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FEDERAL REGISTER

VOLUME 25 NUMBER 105

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 900–959 ..... $1.50
Title 42 (Revised) $4.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1956 C.C.C. Grain Price Support Bulletin 1, Supp. 6, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1956-Crop Corn Extended Re-Extended Reseal Loan Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2047, and containing the specific requirements for the 1956-Crop Corn Extended Re-Extended Reseal Loan Program are amended as follows:

1. Section 421.2160(b)(1) is amended to provide for the amount of the storage payments for the 1960–61 reseal storage period so that the amended subparagraph reads as follows:

§ 421.2160 Storage and track-loading payments.

* * * * *

(b) * * *

(1) *Storage payment for full extended reseal period.* A storage payment will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1961, (ii) delivers corn to CCC on or after July 31, 1961, (iii) delivers corn to CCC prior to July 31, 1961, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC. Such storage payment will be in the amount of 14 cents per bushel.

2. Section 421.2160(b)(2) is amended to provide for the prorated storage payment so that the amended subparagraph reads as follows:

(2) *Prorated storage payment.* A prorated storage payment, determined by prorating the yearly rate according to the length of time the quantity of corn was in store after September 30, 1960, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1961, and (iii) in the case of corn delivered to CCC prior to July 31, 1961, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of .046 cents per bushel but not to exceed the amount specified in subparagraph (1) of this paragraph.

In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions on the date of repayment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 25th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-4853; Filed, May 27, 1960; 8:51 a.m.]

[1957 C.C.C. Grain Price Support Re-extended Reseal Loan Bulletin, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1957-Crop Re-Extended Reseal Loan Program for Corn and Wheat

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2051 and containing the specific requirements for the 1957-Crop Re-Extended Reseal Loan Program for Corn and Wheat are amended as follows:

1. Section 421.2884(b)(1) is amended to provide for the amount of storage payments for the 1960–61 reseal storage period so that the amended subparagraph reads as follows:

§ 421.2884 Storage and track-loading payments.

* * * * *

(b) * * *

(1) *Storage payment for full re-extended reseal period.* A storage payment will be made to the producer on the quantity involved if he (i) redeems the commodity from the loan on or after the maturity date of the re-extended reseal loan, (ii) delivers the commodity to CCC on or after the maturity date of the re-extended reseal loan, or (iii) delivers the commodity to CCC prior to the maturity date of the re-extended reseal loan pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC. Such storage payment will be in the amount of 14 cents per bushel for corn and wheat.

2. Section 421.2884(b)(2) is amended to provide for the prorated storage payment for corn and wheat so that the amended subparagraph reads as follows:

(2) *Prorated storage payment.* A storage payment determined by prorating the yearly rate according to the length of time the commodity was in store for the period beginning 60 days subsequent to the maturity date applicable to the extended reseal loan (March 31, 1960, for wheat; and July 31, 1960, for corn) will be made to the producer, (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of the commodity redeemed from re-extended reseal loans prior to the maturity date of the re-extended reseal loan and (iii) in the case of the commodity delivered to CCC prior to the maturity date of the re-extended reseal loan pursuant to CCC's demand and not solely for the convenience of CCC or upon the request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of .046 cents per bushel for corn and wheat but not to exceed the amount specified in subparagraph (1) of this paragraph.

In the case of losses assumed by CCC the period for computing the storage payment will end on the date of the loss; and in the case of redemptions, on the date of repayment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714, 7 U.S.C. 1441, 1442, 1421, 1447)

Issued this 25th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-4854; Filed, May 27, 1960; 8:51 a.m.]

[1958 C.C.C. Grain Price Support Extended Reseal Loan Bulletin, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1958-Crop Extended Reseal Loan Programs for Barley, Corn, Grain Sorghums, Oats and Wheat

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3613, and containing the specific requirements of the 1958-Crop Extended Reseal Loan Programs for barley, corn, grain sorghums, oats and wheat are amended as follows:

1. Section 421.3559(b)(1) is amended to provide for the amount of reseal storage payments to be made on barley, corn, grain sorghums, oats and wheat for the 1960–61 extended storage period so that the amended subparagraph reads as follows:

§ 421.3559 Storage and track-loading payments.

* * * * *

(b) * * *

(1) *Storage payment for full extended reseal period.* A storage payment will be made to the producer on the quantity involved if he (i) redeems the commodity from the loan on or after the maturity date of the extended reseal loan, (ii) delivers the commodity to CCC on or after the maturity date of the extended

reseal loan, or (iii) delivers the commodity to CCC prior to the maturity date of the extended reseal loan pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC. Such storage payment will be in the amount of 14 cents per bushel for barley, corn and wheat, 24 cents per hundredweight for grain sorghums and 10 cents per bushel for oats.

2. Section 421.3559(b)(2) is amended to provide for the prorated storage payment for barley, corn, grain sorghums, oats and wheat so that the amended subparagraph reads as follows:

(2) *Prorated storage payment.* A storage payment determined by prorating the yearly rate according to the length of time the commodity was in store for the period beginning 60 days subsequent to the maturity date applicable to the reseal loan (March 31, 1960, for wheat and grain sorghums; April 30, 1960, for barley and oats, except for barley in Arizona and California—March 10, 1960; and July 31, 1960, for corn) will be made to the producer, (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of the commodity redeemed from extended reseal loan prior to the maturity date for such loan and (iii) in the case of the commodity delivered to CCC prior to the maturity date of the extended reseal loan pursuant to CCC's demand and not solely for the convenience of CCC or upon the request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of .046 cents per bushel for barley, corn and wheat; .079 cents per hundredweight for grain sorghums; and .033 cents per bushel for oats but not to exceed the amount specified in subparagraph (1) of this paragraph. In the case of losses assumed by CCC the period for computing the storage payment will end on the date of the loss; and in the case of redemptions, on the date of repayment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442, 1447)

Issued this 25th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-4855; Filed, May 27, 1960; 8:51 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 5]

PART 121—SMALL BUSINESS SIZE STANDARDS

Miscellaneous Amendments

Correction

In F.R. Document 60-4685 appearing in the issue for Wednesday, May 25, 1960, at page 4577, § 121.3-4(b) should read as follows:

§ 121.3-4 Application for size determination and Small Business Certificate.

* * * * *

(b) Completed SBA Forms 355 involving requests for Small Business Certificates or questions of dominance shall be reviewed by the Regional Director and Regional Counsel to develop additional facts, if necessary, and then shall be forwarded, with recommendations, to the Office of Economic Adviser. All Small Business Certificates and determinations on questions of dominance will be issued by the Office of Economic Adviser.

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2092]

[Fairbanks 020938]

ALASKA

Withdrawing Public Lands at Point Barrow for Use of Bureau of Indian Affairs for School Purposes

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved under the jurisdiction of the Bureau of Indian Affairs for school purposes:

BARROW AREA

Beginning at W.C.M.C. Corner No. 1 of Tract A, U.S. Survey 2244; thence South 13°02' E., 1,450.08 feet to a point; thence South 60° West 1,177.42 feet to the true point of beginning; thence
N. 30° W., 320 feet;
S. 60° W., 335 feet;
S. 30° E., 200 feet;
S. 60° W., 200 feet;
S. 25° E., 692.64 feet;
N. 60° E., 595.37 feet;
N. 30° W., 570 feet to the true point of beginning.

The tract described contains 10.49 acres.

The reservation made by this order shall be subject to the withdrawal made by Executive Order No. 3797-A of February 27, 1923, for oil and gas as Naval Petroleum Reserve No. 4, and to the jurisdiction granted to the Department of the Navy over Naval Petroleum Reserves by the act of August 10, 1956 (70A Stat. 457-462; 10 U.S.C. 7421-7438), and shall take precedence over but not otherwise affect the withdrawal made by Public Land Order No. 82 in connection with the prosecution of the war.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 23, 1960.

[F.R. Doc. 60-4812; Filed, May 27, 1960; 8:46 a.m.]

[Public Land Order 2093]

[Arizona 019688]

ARIZONA

Withdrawing Lands for Use of the Federal Aviation Agency for an Air Navigation Facility

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Federal Aviation Agency for an air navigation facility:

GILA AND SALT RIVER MERIDIAN

T. 19 N., R. 20 W.,
Sec. 14, N½SE¼NE¼.

The area described contains 20 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc 60-4836; Filed, May 27, 1960; 8:49 a.m.]

[Public Land Order 2094]

[632906]

ARIZONA

Amending Public Land Order No. 2053 of February 19, 1960

Public Land Order No. 2053 of February 19, 1960, partially vacating Stock Driveway Withdrawal No. 56, Arizona No. 2, is hereby amended to include among the orders affected thereby the Departmental order of July 24, 1930.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4837; Filed, May 27, 1960; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUPERSEDURE OF CERTAIN PARTS

CROSS REFERENCE: For supersedure of Part 140, insofar as it relates to the exportation of tobacco materials, tobacco products, and cigarette papers and tubes; Part 141; Part 142; and Part 451, insofar as it relates to tobacco products, see Title 26 (1954) Chapter I, Part 290, *infra.*

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 290—EXPORTATION OF TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

PART 296—TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

On February 12, 1960, a notice of proposed rule making with respect to regulations designated as Part 290 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (25 F.R. 1253). The proposed regulations supersede 26 CFR (1939) Part 140, insofar as it relates to the exportation of tobacco materials, tobacco products, and cigarette papers and tubes; 26 CFR (1939) Part 141; 26 CFR (1939) Part 142; 26 CFR (1939) Part 451, insofar as it relates to tobacco products; and Subpart D of 26 CFR Part 296; and are promulgated in order to implement the Internal Revenue Code of 1954, as amended by section 202 of the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275).

In accordance with the notice, interested persons were afforded an opportunity to submit for consideration any comments or suggestions pertaining thereto. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and after making editorial, clarifying, and liberalizing changes the following regulations are hereby adopted.

Preamble. 1. These regulations, 26 CFR Part 290, "Exportation of Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax," supersede 26 CFR (1939) Part 140, insofar as it relates to the exportation of tobacco materials, tobacco products, and cigarette papers and tubes; 26 CFR (1939) Part 141; 26 CFR (1939) Part 142; 26 CFR (1939) Part 451, insofar as it relates to tobacco products; and Subpart D of 26 CFR Part 296; and are promulgated in order to implement the Internal Revenue Code of 1954, as amended by section 202 of the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275).

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

AUTHORITY: §§ 290.1 to 290.267 are issued under authority of section 7805, I.R.C. (68A Stat. 917; 26 U.S.C. 7805). Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope of Regulations

§ 290.1 Exportation of tobacco materials, tobacco products, and cigarette papers and tubes, without payment of tax, or with drawback of tax.

This part contains the regulations relating to the exportation (including supplies for vessels and aircraft) of tobacco materials, tobacco products, and cigarette papers and tubes, without payment of tax; the qualification of, and operations by, export warehouse proprietors; and the allowance of drawback of tax paid on tobacco products and cigarette papers and tubes exported.

§ 290.2 Forms prescribed.

The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

Subpart B—Definitions

§ 290.11 Meaning of terms.

The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 290.12 Assistant regional commissioner.

"Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 290.13 Black Fat.

"Black Fat" shall mean tobacco which is normally treated with oil under pressure and results in black tobacco, and shall include all tobacco similarly treated and referred to by such other terms as Black Horse, etc.

§ 290.14 Cigar.

"Cigar" shall mean any roll of tobacco wrapped in tobacco.

§ 290.15 Cigarette.

"Cigarette" shall mean any roll of tobacco, wrapped in paper or any substance other than tobacco.

§ 290.16 Cigarette paper.

"Cigarette paper" shall mean paper, or other material except tobacco, prepared for use as a cigarette wrapper.

§ 290.17 Cigarette papers.

"Cigarette papers" shall mean taxable books or sets of cigarette papers.

§ 290.18 Cigarette tube.

"Cigarette tube" shall mean cigarette paper made into a hollow cylinder for use in making cigarettes.

§ 290.19 Clippings.

"Clippings" shall mean the tobacco which is clipped or cut off the ends of cigars in the manufacture thereof.

§ 290.20 Collector of customs.

"Collector of customs" shall mean the person having charge of a customs collection district and shall also include assistant collector of customs, deputy collector of customs, and any person authorized by law or by regulations approved by the Secretary of the Treasury to perform the duties of a collector of customs.

§ 290.21 Commissioner.

"Commissioner" shall mean the Commissioner of Internal Revenue.

§ 290.22 Customs warehouse.

"Customs warehouse" shall mean a customs bonded manufacturing warehouse, class 6, where cigars are manufactured of imported tobacco.

§ 290.23 Cuttings.

"Cuttings" shall mean the tobacco remaining after the binders and wrappers for cigars are cut out of the leaf.

§ 290.24 Dealer in tobacco materials.

"Dealer in tobacco materials" shall mean any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm: *Provided,* That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in accordance with Part 280 of this subchapter; (c) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

§ 290.25 Director, Alcohol and Tobacco Tax Division.

"Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D.C.

§ 290.26 Establishment.

"Establishment" shall mean those premises of a dealer in tobacco materials in which he carries on such business.

§ 290.27 Exportation or export.

"Exportation" or "export" shall mean a severance of tobacco materials, tobacco products, or cigarette papers or tubes from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. For the purposes of this part, shipment from the United States to Puerto Rico, the Virgin Islands, or a possession of the United States, shall be deemed exportation, as will the clearance from the United States of tobacco products and cigarette papers and tubes for consumption beyond the jurisdiction of the internal revenue laws of the United States, i.e., beyond the 3-mile limit or international boundary, as the case may be.

§ 290.28 Export warehouse.

"Export warehouse" shall mean a bonded internal revenue warehouse for the storage of tobacco products and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

§ 290.29 Export warehouse proprietor.

"Export warehouse proprietor" shall mean any person who operates an export warehouse.

§ 290.30 Factory.

"Factory" shall mean the premises of a manufacturer of tobacco products or cigarette papers and tubes in which he carries on such business.

§ 290.31 Inclusive language.

Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 290.32 I.R.C.

"I.R.C." shall mean the Internal Revenue Code of 1954.

§ 290.33 Internal revenue officer.

"Internal revenue officer" shall mean an officer or employee of the Treasury Department duly authorized to perform any function relating to the administration or enforcement of this part.

§ 290.34 Leaf tobacco.

"Leaf tobacco" shall mean:

(a) *Unstemmed.* Tobacco from which the stem or mid-rib has not been removed, and

(b) *Stemmed.* Tobacco from which the stem or mid-rib has been removed, also known as "strips."

§ 290.35 Manufactured tobacco.

"Manufactured tobacco" shall mean tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

§ 290.36 Manufacturer of cigarette papers and tubes.

"Manufacturer of cigarette papers and tubes" shall mean any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

§ 290.37 Manufacturer of tobacco products.

"Manufacturer of tobacco products" shall mean any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this subchapter.

§ 290.38 Package.

"Package" shall mean the container in which tobacco products or cigarette papers or tubes are put up by the manufacturer and offered for sale or delivery to the consumer.

§ 290.39 Perique.

"Perique" shall mean tobacco, such as that produced in Louisiana, cured in its own juices and given other treatment peculiar to this type of tobacco.

§ 290.40 Person.

"Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 290.41 Region.

"Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 290.42 Regional commissioner.

"Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 290.43 Removal or remove.

"Removal" or "remove" shall mean the removal of tobacco products or cigarette papers or tubes from either the factory or the export warehouse covered by the bond of the manufacturer or proprietor.

§ 290.44 Scraps.

"Scraps" shall mean portions of leaf tobacco.

§ 290.45 Siftings.

"Siftings" shall mean the particles of tobacco salvaged in the process of sifting or screening the residue of tobacco.

§ 290.46 State.

"State" shall, for the purposes of this part, be construed to include the District of Columbia.

§ 290.47 Stems.

"Stems" shall mean the stems or midribs of tobacco.

§ 290.48 Tobacco in process.

"Tobacco in process" shall mean tobacco which has been, or is being, manipulated or processed, but is to undergo further manipulation, processing, or handling, prior to removal for consumption by smoking or for use in the mouth or nose.

§ 290.49 Tobacco materials.

"Tobacco materials" shall mean tobacco other than manufactured tobacco, cigars, and cigarettes and shall include tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste.

§ 290.50 Tobacco products.

"Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 290.51 United States.

"United States" when used in a geographical sense shall include only the States and the District of Columbia.

§ 290.52 U.S.C.

"U.S.C." shall mean the United States Code.

§ 290.53 Waste.

"Waste" shall mean tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

Subpart C—General

§ 290.61 Removals, withdrawals, and shipments authorized.

Tobacco products and cigarette papers and tubes may be removed from a factory or an export warehouse, and cigars may be withdrawn from a customs warehouse, without payment of tax, for direct exportation or for delivery for subsequent exportation, in accordance with the provisions of this part. Tobacco materials may be shipped from a factory or establishment, without payment of tax, for exportation to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, in accordance with the provisions of this part.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.62 Restrictions on deliveries of tobacco products and cigarette papers and tubes to vessels and aircraft, as supplies.

Tobacco products and cigarette papers and tubes may be removed from a factory or an export warehouse and cigars may be withdrawn from a customs warehouse, without payment of tax, for delivery to vessels and aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States, subject to the applicable provisions of this part. Deliveries may be made to vessels actually engaged in foreign, intercoastal, or noncontiguous territory trade (i.e., vessels operating on a regular schedule in trade or actually transporting passengers and/or cargo (a) between a port in the United States and a foreign port; (b) between the Atlantic and Pacific ports of the United States; or (c) between a port on the mainland of the United States and a port in Alaska, Hawaii, Puerto Rico, the Virgin Islands, or a possession of the United States; between a port in Alaska and a port in Hawaii; or between a port in Alaska or Hawaii and a port in Puerto Rico, the Virgin Islands, or a possession of the United States); to vessels clearing through customs for a port beyond the jurisdiction of the internal revenue laws of the United States; to vessels of war or other governmental activity; or to vessels of the United States documented to engage in the fishing business (including the whaling business), and foreign fishing (including whaling) vessels of 5 net tons or over. Such deliveries to vessels shall be subject to lading under customs supervision as provided in §§ 290.207 and 290.263. As a condition to the lading of the tobacco products and cigarette papers and tubes, the customs authorities at the port of lading may, if they deem it necessary in order to protect the revenue, require assurances, satisfactory to them, from the master of the receiving vessel that the quantities to be laden are reasonable, considering the number of persons to be carried, the vessel's itinerary, the duration of its intended voyage, etc., and that such articles are to be used exclusively as supplies on the voyage. For this purpose, the customs authorities may require the master of the receiving vessel to submit for their approval, prior to lading, an application on Customs Form 5127 for permission to lade the articles. Where the customs authorities allow only a portion of a shipment to be laden, the remainder of the shipment shall be returned to the bonded premises of the manufacturer, export warehouse proprietor, or customs warehouse proprietor making the shipment, or otherwise disposed of as approved by the assistant regional commissioner for the region from which the articles were shipped. Deliveries may be made to aircraft clearing through customs en route to a place or places beyond the jurisdiction of the internal revenue laws of the United States, and to aircraft operating on a regular schedule between United States customs areas (as defined in the Air Commerce Regulations (19 CFR Part 6) of the Bureau of Customs). Deliveries may not be made to a vessel or aircraft stationed in the United States for an indefinite period and where its schedule does not include operations outside such jurisdiction.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.63 Restrictions on disposal of tobacco products and cigarette papers and tubes on vessels and aircraft.

Tobacco products and cigarette papers and tubes delivered to a vessel or aircraft, without payment of tax, pursuant to § 290.62, shall not be sold, offered for sale, or otherwise disposed of until the vessel or aircraft is outside the jurisdiction of the internal revenue laws of the United States, i.e., outside the 3-mile limit or international boundary, as the case may be, of the United States. Where the vessel or aircraft returns within the jurisdiction of the internal revenue laws with such articles on board, the articles shall be subject to treatment under the tariff laws of the United States.

(72 Stat. 1418; 26 U.S.C. 5704; 19 U.S.C. 1317)

§ 290.64 Responsibility for delivery or exportation of tobacco materials, tobacco products, and cigarette papers and tubes.

Responsibility for compliance with the provisions of this part with respect to the removal under bond of tobacco materials, tobacco products, and cigarette papers and tubes, without payment of tax, for export, and for the proper delivery or exportation of such materials and articles, and with respect to the exportation of tobacco products and cigarette papers and tubes with benefit of drawback of tax, shall rest upon the manufacturer of such articles, dealer in tobacco materials, or the proprietor of an export warehouse or customs warehouse from whose premises such materials and articles are removed for export, and upon the exporter who exports tobacco products and cigarette papers and tubes with benefit of drawback of tax.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.65 Liability for tax on tobacco products and cigarette papers and tubes.

The manufacturer of the tobacco products and cigarette papers and tubes shall be liable for the taxes imposed thereon by section 5701, I.R.C.: *Provided,* That when tobacco products and cigarette papers and tubes are transferred, without payment of tax, pursuant to section 5704, I.R.C., between the bonded premises of manufacturers and/or export warehouse proprietors, the transferee shall become liable for the tax upon receipt by him of such articles. Any person who possesses tobacco products and cigarette papers and tubes in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 290.66 Relief from liability for tax.

A manufacturer of tobacco products or cigarette papers and tubes or an export warehouse proprietor shall be relieved of the liability for tax on tobacco products or cigarette papers and tubes when he furnishes the assistant regional commissioner, for the region in which the factory or warehouse is located, evidence satisfactory to the assistant regional commissioner of exportation or proper delivery, as required by this part, or satisfactory evidence of such other disposition as may be used as the lawful basis for such relief. Such evidence shall be furnished within 90 days of the date of removal of the tobacco products or cigarette papers or tubes: *Provided,* That this period may be extended for good cause shown.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 290.67 Payment of tax.

The taxes on tobacco products and cigarette papers and tubes with respect to which the evidence contemplated by § 290.66 is not timely furnished shall become immediately due and payable. Such taxes shall be paid to the district director, for the district in which the factory or export warehouse is located, with sufficient information to identify the taxpayer, the nature and purpose of the payment, and the articles covered by the payment.

§ 290.68 Liability for tax on tobacco materials.

A manufacturer of tobacco products or dealer in tobacco materials who ships tobacco materials from his factory or establishment, under this part, shall be liable for the payment of tax on tobacco materials equal to the tax imposed by law on manufactured tobacco until the evidence of exportation or delivery required by Subpart I is secured, or the evidence of exportation or delivery required by § 290.203, § 290.205, or § 290.208 is furnished the assistant regional commissioner.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.69 Assessment.

Whenever any person required by law to pay tax on tobacco products and cigarette papers and tubes fails to pay such tax in accordance with the provisions of this part, the tax shall be determined and assessed, subject to the limitations prescribed in section 6501, I.R.C., against such person. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax at the time due. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 290.70 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products and cigarette papers and tubes are produced or kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such articles shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 290.71 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

VARIATIONS FROM REQUIREMENTS

§ 290.72 Construction and separation of export warehouse premises.

The Director, Alcohol and Tobacco Tax Division, may approve a manner of construction and separation of export warehouse premises in lieu of that specified in this part, where it is shown that it is impracticable to conform to the requirements, and the proposed construction and separation will afford as much or more security and protection to the revenue as is intended by the requirements in this part, and where such variation is not contrary to any provision of law. Where it is proposed to employ a manner of construction and separation of premises other than that provided for by this part, prior approval shall be obtained in accordance with the provisions of § 290.74.

§ 290.73 Methods of operation.

The Director, Alcohol and Tobacco Tax Division, may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval shall be obtained in accordance with the provisions of § 290.74.

§ 290.74 Application.

Any person, subject to the provisions of this part, who proposes to employ methods of operation, or of construction and separation of export warehouse premises, other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. With respect to variations in construction and separation of export warehouse premises, where they cannot be adequately described in the application, drawings or photographs thereof shall also be submitted. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation. Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the person granted the variations shall thereupon fully comply with the prescribed requirements of the regulations from which the variations were authorized.

Subpart D—Qualification Requirements for Export Warehouse Proprietors

§ 290.81 Persons required to qualify.

Every person who intends to engage in business as an export warehouse proprietor, as defined in this part, shall qualify as such in accordance with the provisions of this part.

(72 Stat. 1421; 26 U.S.C. 5711, 5712, 5713)

§ 290.82 Application for permit.

Every person, before commencing business as an export warehouse proprietor, shall make application, on Form 2093, to the assistant regional commissioner for, and obtain, the permit provided for in § 290.93. All documents required under this part to be furnished with such application shall be made a part thereof.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.83 Corporate documents.

Every corporation, before commencing business as an export warehouse proprietor, shall furnish with its application for permit required by § 290.82, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application for permit to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where a corporation has previously filed such documents or evidence with the same assistant regional commissioner, a written statement by the corporation, in duplicate, to that effect will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.84 Articles of partnership or association.

Every partnership or association, before commencing business as an export warehouse proprietor, shall furnish with its application for permit, required by § 290.82, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner, a written statement by the partnership or associa-

tion, in duplicate, to that effect will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.85 Trade name certificate.

Every person, before commencing business under a trade name as an export warehouse proprietor, shall furnish with his application for permit, required by § 290.82, true copies, in duplicate, of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so required, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.86 Bond.

Every person, before commencing business as an export warehouse proprietor, shall file, in connection with his application for permit, a bond, Form 2103, in accordance with the applicable provisions of § 290.88 and Subpart F, conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 290.87 Power of attorney.

If the application for permit or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by an officer of an association or company, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 290.83, power of attorney conferring authority upon the person signing the documents shall be manifested on Form 1534 and furnished to the assistant regional commissioner.

§ 290.88 Description and diagram of premises.

The premises to be used by an export warehouse proprietor as his warehouse shall be described, in the application for permit required by § 290.82, and bond required by § 290.86, by number, street, and city, town, or village, and State. Such premises may consist of more than one building, which need not be contiguous: *Provided,* That such premises are located in the same city, town, or village and each location is described in the application for permit and the bond by number and street. Where such premises consist of less than an entire building, a diagram, in duplicate, shall also be furnished showing the particular floor or floors, or room or rooms, comprising the warehouse.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.89 Separation of premises.

Where the export warehouse premises consist of less than an entire building, the premises shall be completely separated from adjoining portions of the building, which separation shall be constructed of materials generally used in the construction of buildings and may include any necessary doors or other openings.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.90 Restrictions relating to export warehouse premises.

Export warehouse premises shall be used exclusively for the storage of tobacco products and cigarette papers and tubes for subsequent removal under this part.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.91 Additional information.

The assistant regional commissioner may require such additional information as may be deemed necessary to determine whether the applicant is entitled to a permit. The applicant shall, when required by the assistant regional commissioner, furnish as a part of his application for permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to a permit.

§ 290.92 Investigation of applicant.

The assistant regional commissioner shall promptly cause such inquiry or investigation to be made, as he deems necessary, to verify the information furnished in connection with an application for permit and to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance with Chapter 52, I.R.C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises on which it is proposed to establish the export warehouse are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with Part 200 of this chapter, which part (including the provisions relating to the recommended decision and to appeals) is made applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.93 Issuance of permit.

If the application for permit, bond, and supporting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2096, to the export warehouse proprietor. The permit shall bear a number and shall fully set forth where the business of the export warehouse proprietor is to be conducted. The proprietor shall retain such permit at all times within his export warehouse and it shall be readily available for inspection by any internal revenue officer upon his request. Where the warehouse consists of more than one building, the permit shall be retained in the building in which the records, required by § 290.142, are kept.

(72 Stat. 1421; 26 U.S.C. 5713)

Subpart E—Changes Subsequent to Original Qualification of Export Warehouse Proprietors

CHANGES IN NAME

§ 290.101 Change in individual name.

Where there is merely a change in the name of an individual operating as an export warehouse proprietor, the proprietor shall, within 30 days of such change, make application on Form 2098 for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 290.126.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

§ 290.102 Change in trade name.

Where there is merely a change in the trade name of an export warehouse proprietor, the proprietor shall, within 30 days of the adoption of the new trade name, make application on Form 2098 for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 290.126. The proprietor shall also furnish true copies, in duplicate, of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 290.85.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

§ 290.103 Change in corporate name.

Where there is merely a change in the name of a corporate export warehouse proprietor, the proprietor shall, within 30 days of such change, make application on Form 2098 for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 290.126. The proprietor shall also furnish such documents as may be reasonably necessary to establish that the corporate name has been changed.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

CHANGES IN OWNERSHIP AND CONTROL

§ 290.104 Fiduciary successor.

If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of an export warehouse proprietor, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart D of this part, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary, and make an opening inventory, in accordance with the provisions of § 290.144; *Provided,* That where a diagram has been furnished by the predecessor, in accordance with the provisions of § 290.88, the successor may adopt such diagram. How-

ever, where a fiduciary intends merely to liquidate the business, qualification as an export warehouse proprietor will not be required if he promptly files with the assistant regional commissioner a statement to that effect, together with an extension of coverage of the predecessor's bond, executed by the fiduciary, also by the surety on such bond, in accordance with the provisions of § 290.126.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5721)

§ 290.105 Transfer of ownership.

If a transfer is to be made in ownership of the business of an export warehouse proprietor (including a change in the identity of the members of a partnership or association), such proprietor shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a proprietor, in accordance with the applicable provisions of Subpart D of this part: *Provided*, That where a diagram has been furnished by the proprietor in accordance with the provisions of § 290.88, the proposed successor may adopt such diagram. The proprietor shall give such notice of transfer, and the proposed successor shall make application for permit and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 290.146 and 290.151, respectively, and surrender, with such inventory and report, his permit, and the successor shall make an opening inventory, in accordance with the provisions of § 290.144.

(72 Stat. 1421, 1422; 26 U.S.C. 5712, 5713, 5721, 5722)

§ 290.106 Change in officers or directors of a corporation.

Where there is any change in the officers or directors of a corporation operating the business of an export warehouse proprietor, the proprietor shall furnish to the assistant regional commissioner notice, in writing, of the election of the new officers or directors within 30 days after such election.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 290.107 Change in stockholders of a corporation.

Where the issuance, sale, or transfer of the stock of a corporation, operating as an export warehouse proprietor, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate proprietor shall, within 30 days after the change occurs, make application for a new permit; otherwise, the present permit shall be automatically terminated at the expiration of such 30-day period, and the proprietor shall dispose of all tobacco products and cigarette papers and tubes on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 290.146 and 290.151, respectively, and surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action with respect to such application.

(72 Stat. 1421, 1422; 26 U.S.C. 5712, 5713, 5721, 5722)

CHANGES IN LOCATION AND PREMISES

§ 290.108 Change in location within same region.

Whenever an export warehouse proprietor contemplates changing the location of his warehouse within the same region, the proprietor shall, before commencing operations at the new location, make an application, to the assistant regional commissioner, on Form 2098 for an amended permit. The application shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 290.126.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

§ 290.109 Change in address.

Whenever any change occurs in the address, but not the location, of the warehouse of an export warehouse proprietor, as a result of action of local authorities, the proprietor shall, within 30 days of such change, make application, to the assistant regional commissioner, on Form 2098 for an amended permit, which shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 290.126.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

§ 290.110 Change in location to another region.

Whenever an export warehouse proprietor contemplates changing the location of his warehouse to another region, he shall, before commencing operations at the new location, qualify as such a proprietor in the new region, in accordance with the applicable provisions of Subpart D. The proprietor shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, giving the address of the new location of his warehouse and the number of the permit issued to him in the new region, make a closing inventory and closing report, in accordance with the provisions of §§ 290.146 and 290.151, respectively, and surrender, with such inventory and report, the permit for his old location.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5713, 5721, 5722)

§ 290.111 Change in export warehouse premises.

Where the premises of an export warehouse are to be changed to an extent which will make inaccurate the description of such premises as set forth in the last application by the proprietor for permit, or the diagram, if any, furnished with such application, the proprietor shall first make an application, Form 2098, for an amended permit, to the assistant regional commissioner, describing the proposed change in such premises, and furnish a diagram thereof, if required under the provisions of § 290.88. The application shall be supported by an extention of coverage of bond, in accordance with the provisions of § 290.126.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

§ 290.112 Emergency premises.

In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary use of a place for the temporary storage of tobacco products and cigarette papers and tubes, without making the application or furnishing the extension of coverage of bond required under §§ 290.111 and 290.126, or the temporary separation of warehouse premises by means other than those specified in § 290.89, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue.

Subpart F—Bonds and Extensions of Coverage of Bonds

§ 290.121 Corporate surety.

Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(72 Stat. 1421, 61 Stat. 648; 26 U.S.C. 5711, 6 U.S.C. 6)

§ 290.122 Deposit of bonds, notes, or obligations in lieu of corporate surety.

Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the export warehouse proprietor as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

§ 290.123 Amount of bond.

The amount of the bond filed by the export warehouse proprietor, as required by § 290.86, shall be not less than the estimated amount of tax which may at any time constitute a charge against the bond: *Provided*, That the amount of any such bond (or the total amount where original and strengthening bonds are

filed) shall not exceed $200,000 nor be less than $1,000. The charge against such bond shall be subject to increase upon receipt of tobacco products and cigarette papers and tubes into the export warehouse and to decrease as satisfactory evidence of exportation, or satisfactory evidence of such other disposition as may be used as the lawful basis for crediting such bond, is received by the assistant regional commissioner with respect to such articles transferred or removed. When the limit of liability under a bond given in less than the maximum amount has been reached, no additional shipments shall be received into the warehouse until a strengthening or superseding bond is filed, as required by § 290.124 or 290.125.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 290.124 Strengthening bond.

Where the assistant regional commissioner determines that the amount of the bond, under which an export warehouse proprietor is currently carrying on business, no longer adequately protects the revenue, and such bond is in an amount of less than $200,000, the assistant regional commissioner may require the proprietor to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 290.123. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 290.125 Superseding bond.

An export warehouse proprietor shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 290.126 Extension of coverage of bond.

An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the export warehouse proprietor and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 290.127 Approval of bond and extension of coverage of bond.

No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 290.128 Termination of liability of surety under bond.

The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the effective date of a superseding bond, or the date of approval of the discontinuance of operations by the export warehouse proprietor, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the proprietor while the bond is in force.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 290.129 Release of bonds, notes, and obligations.

Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

Subpart G—Operations by Export Warehouse Proprietors

§ 290.141 Sign.

Every export warehouse proprietor shall place and keep, on the outside of the building in which his warehouse is located, or at the entrance of his warehouse, where it can be plainly seen, a sign, in plain and legible letters, exhibiting the name under which he operates and (a) the type of business ("Export Warehouse Proprietor") or (b) the number of the permit issued to the export warehouse proprietor under this part.

§ 290.142 Records.

Every export warehouse proprietor shall keep at his warehouse complete and adequate records of the date, kind, and quantity of tobacco products and cigarette papers and tubes received, removed, transferred, destroyed, lost, or returned to manufacturers or to customs warehouse proprietors. In addition to such records, the export warehouse proprietor shall retain a copy of each notice, Form 2149 or 2150, received from a manufacturer, another export warehouse proprietor, or customs warehouse proprietor from whom tobacco products and cigarette papers and tubes are received, and a copy of each notice, Form 2150, covering the tobacco products and cigarette papers and tubes removed from his warehouse. The entries for each day in the records maintained or kept under this section shall be made by the close of the business day following that on which the transactions occur. No particular form of records is prescribed, but the information required shall be readily ascertainable. Such records and copies of the notices, Forms 2149 and 2150, shall be retained for two years following the close of the calendar year in which the shipments were received or removed and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

INVENTORIES

§ 290.143 General.

Every export warehouse proprietor shall make a true and accurate inventory, to the assistant regional commissioner, of the quantity of tobacco products and cigarette papers and tubes (large cigars by taxable class), held by him at the times specified in this subpart, which inventory shall be subject to verification by an internal revenue officer. A copy of each inventory shall be retained by the export warehouse proprietor for two years following the close of the calendar year in which the inventory is made and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 290.144 Opening.

An opening inventory shall be made by the export warehouse proprietor at the time of commencing business. The date of commencing business under this part shall be the effective date indicated on the permit issued under § 290.93. A similar inventory shall be made by the export warehouse proprietor when he files a superseding bond. The date of such inventory shall be the effective date of such superseding bond as indicated thereon by the assistant regional commissioner.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 290.145 Special.

A special inventory shall be made by the export warehouse proprietor whenever required by any internal revenue officer.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 290.146 Closing.

A closing inventory shall be made by the export warehouse proprietor when he transfers ownership, changes his location to another region, or concludes business. Where the proprietor transfers ownership the closing inventory shall be made as of the day preceding the date of the opening inventory of the successor.

(72 Stat. 1422; 26 U.S.C. 5721)

REPORTS

§ 290.147 General.

Every export warehouse proprietor shall make a report on Form 2140, to the assistant regional commissioner, of all tobacco products and cigarette papers and tubes on hand, received, removed, transferred, and lost or destroyed. Such report shall be made at the times specified in this subpart and shall be made whether or not any operations or transactions occurred during the period covered by the report. A copy of each report shall be retained by the export warehouse proprietor at his warehouse for two years following the close of the calendar year covered in such reports, and made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 290.148 Opening.

An opening report, covering the period from the date of the opening inventory, or inventory made in connection with a superseding bond, to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 290.149 Monthly.

A report for each full month shall be made on or before the 20th day following the end of the month covered in the report.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 290.150 Special.

A special report, covering the unreported period to the day preceding the date of any special inventory required by an internal revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 290.151 Closing.

A closing report, covering the period from the first of the month to the date of the closing inventory, or the day preceding the date of an inventory made in connection with a superseding bond, shall be made with such inventory.

(72 Stat. 1422; 26 U.S.C. 5722)

CLAIMS

§ 290.152 Claim for remission of tax liability.

Every loss (otherwise than by theft) or destruction, by fire, casualty, or act of God, of tobacco products and cigarette papers and tubes, before removal from the export warehouse, or after removal for tax-exempt purposes, and which are in the possession or ownership of the export warehouse proprietor shall be reported by the proprietor to the assistant regional commissioner, and the facts of such loss or destruction shall be established to his satisfaction. Claim for remission of tax liability may be filed with the assistant regional commissioner. Such claim shall be in letter form showing the nature, date, and extent of such loss or destruction, shall set forth the reasons why such tax liability should be remitted, and shall be supported by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 290.153 Claim for abatement of assessment.

A claim for abatement of the unpaid portion of the assessment of any tax on tobacco products and cigarette papers and tubes, or any liability in respect of such tax, alleged to be excessive in amount, assessed after the expiration of the period of limitation applicable thereto, or erroneously or illegally assessed, shall be filed on Form 843 with the assistant regional commissioner. Such claim shall set forth the reasons relied upon for the allowance of the claim and shall be supported by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 792; 26 U.S.C. 6404)

§ 290.154 Claim for refund of tax.

The taxes paid on tobacco products and cigarette papers and tubes may be refunded (without interest) to the export warehouse proprietor on satisfactory proof that he has paid the tax on such articles lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the export warehouse proprietor. To obtain refund of tax under this section, claim for refund, Form 843, shall be filed with the assistant regional commissioner for the region in which the tax was paid within six months after the loss or destruction of the tobacco products and cigarette papers and tubes to which the claim relates and shall be supported by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

Subpart H—Suspension and Discontinuance of Operations

§ 290.161 Discontinuance of operations.

Every export warehouse proprietor who desires to discontinue operations and close out his warehouse shall dispose of all tobacco products and cigarette papers and tubes on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 290.146 and 290.151, respectively, and surrender, with such inventory and report, his permit to the assistant regional commissioner as notice of such discontinuance, in order that the assistant regional commissioner may terminate the liability of the surety on the bond of the export warehouse proprietor.

(72 Stat. 1422; 26 U.S.C. 5721, 5722)

§ 290.162 Suspension and revocation of permit.

Where the assistant regional commissioner has reason to believe that an export warehouse proprietor has not in good faith complied with the provisions of Chapter 52, I.R.C., and regulations thereunder, or with any other provision of the I.R.C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such export warehouse proprietor to show cause why his permit should not be suspended or revoked after hearing thereon in accordance with Part 200 of this chapter, which part (including the provisions relating to appeals) is made applicable to such proceedings. If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be suspended, for such time as to him seems proper, or be revoked, the assistant regional commissioner shall by order give effect to such decision.

(72 Stat. 1421; 26 U.S.C. 5713)

Subpart I—Shipments of Tobacco Materials by Dealers in Tobacco Materials

§ 290.171 Shipment for export other than by parcel post.

Where a dealer in tobacco materials removes a shipment of tobacco materials, under his bond and this subpart, and forwards it directly to the port for lading and exportation, the dealer, or his forwarding or export agent at the port, shall prepare an extra copy of the shipper's export declaration, Commerce Form 7525–V, marked "For internal revenue purposes," which shall show the quantity of each kind of tobacco materials included in the shipment. This copy of the shipper's export declaration, after it has been completed by the customs authorities at the port to indicate exportation of the tobacco materials described thereon, shall be retained by the dealer as a part of the records of his establishment for two years following the close of the calendar year in which the tobacco materials are removed and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.172 Shipment for export by parcel post.

Tobacco materials removed by a dealer in tobacco materials, under his bond and this subpart, for export by parcel post to a person in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be addressed and consigned to such person when the tobacco materials are deposited in the mails. Waiver of his right to withdraw the shipment from the mails shall be stamped or written on each shipping container and signed by the dealer in tobacco materials making the shipment. In any case where a shipper's export declaration, Commerce Form 7525–V, is not required to be executed by

the dealer in connection with a shipment of tobacco materials for export by parcel post, he shall obtain from the postmaster or his agent a receipt on Post Office Department Form 3817. Such receipt shall be retained by the dealer at his establishment, as a part of the records thereof, for two years following the close of the calendar year in which the shipment is deposited in the mails and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1418; 26 U.S.C. 5704)

Subpart J—Removal of Shipments of Tobacco Materials by Manufacturers and Removal of Tobacco Products and Cigarette Papers and Tubes by Manufacturers and Export Warehouse Proprietors

PACKAGING REQUIREMENTS

§ 290.181 Packages.

All tobacco products and cigarette papers and tubes shall, before removal, be put up by the manufacturer in packages which shall bear the label or notice, class designation, and mark, as required by this subpart.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.182 Lottery features.

No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of tobacco products or cigarette papers or tubes.

(72 Stat. 1422; 26 U.S.C. 5723, 18 U.S.C. 1301)

§ 290.183 Indecent or immoral material.

No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of tobacco products or cigarette papers or tubes.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.184 Mark.

Every package of tobacco products shall, before removal from the factory under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, the name and location of the manufacturer, or his permit number. There shall also be adequately stated on each such package the quantity, by weight, of manufactured tobacco or the number of cigars or cigarettes contained in the package.

(72 Stat 1422; 26 U.S.C. 5723)

§ 290.185 Label or notice.

Every package of tobacco products shall, before removal from the factory under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, the words "Tax-exempt. For use outside U.S." or the words "U.S. Tax-exempt. For use outside U.S.", except where a stamp, sticker, or notice, required by a foreign country or a possession of the United States, which identifies such country or possession, is so imprinted or affixed.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.186 Class designation for large cigars.

Every package of large cigars shall, before removal from the factory under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, a class designation corresponding with the rate of tax under section 5701(b)(2), I.R.C., applicable to similar cigars removed for taxable purposes. The appropriate class designation shall be stated in the following manner:

Class A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each;

Class B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each;

Class C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each;

Class D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each;

Class E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each;

Class F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each; or

Class G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.187 Shipping containers.

Each shipping case, crate, or other container in which tobacco materials, tobacco products, or cigarette papers or tubes are to be shipped or removed, under this part, shall bear a distinguishing number, such number to be assigned by the manufacturer or export warehouse proprietor. Removals of tobacco products and cigarette papers and tubes from an export warehouse shall be made, insofar as practicable, in the same containers in which they were received from the factory.

(72 Stat. 1418; 26 U.S.C. 5704)

CONSIGNMENT OF SHIPMENT

§ 290.188 General.

Tobacco materials, tobacco products, and cigarette papers and tubes transferred or removed from a factory, or tobacco products and cigarette papers and tubes removed from an export warehouse, under this part, without payment of tax, shall be consigned as required by this subpart.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.189 Transfers between factories and export warehouses.

Where tobacco products and cigarette papers and tubes are transferred, without payment of tax, from a factory to an export warehouse or between export warehouses, such articles shall be consigned to the export warehouse proprietor to whom such articles are to be delivered.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.190 Return of shipment to a manufacturer or customs warehouse proprietor.

Where tobacco products and cigarette papers and tubes are returned by an export warehouse proprietor to a manufacturer or where cigars are so returned to a customs warehouse proprietor, such articles shall be consigned to the manufacturer or customs warehouse proprietor to whom the shipment is to be returned.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.191 To officers of the armed forces for subsequent exportation.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for delivery to officers of the armed forces of the United States in this country for subsequent shipment to, and use by, the armed forces outside the United States, the manufacturer or export warehouse proprietor shall consign such articles to the receiving officer at the armed forces base or installation, in this country, to which they are to be delivered.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.192 To vessels and aircraft for shipment to noncontiguous foreign countries and possessions of the United States.

Where tobacco materials, tobacco products, and cigarette papers and tubes are removed from a factory, or tobacco products and cigarette papers and tubes are removed from an export warehouse, for direct delivery to a vessel or aircraft for transportation to a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, the manufacturer or export warehouse proprietor shall consign the shipment directly to the vessel or aircraft, or to his agent at the port for delivery to the vessel or aircraft.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.193 To a Federal department or agency.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse and are destined for ultimate delivery in a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, but the shipment is to be delivered in the United States to a Federal department or agency, or to an authorized dispatch agent, transportation officer, or port director of such a department or agency for forwarding on to the place of destination of the shipment, the manufacturer or export warehouse proprietor shall consign the shipment to the Federal department or agency, or to the proper dispatch agent, transportation officer, or port director of such department or agency.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.194 To collector of customs for shipment to contiguous foreign countries.

Where tobacco materials, tobacco products, and cigarette papers and tubes are removed from a factory, or tobacco products and cigarette papers and tubes are removed from an export warehouse, for export to a person in a contiguous foreign country, the manufacturer or export warehouse proprietor shall consign the shipment to the collector of customs at the border or other port of exit.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.195 To Government vessels and aircraft for consumption as supplies.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for delivery to a vessel or aircraft engaged in an activity for the Government of the United States or a foreign government, for consumption as supplies beyond the jurisdiction of the internal revenue laws of the United States, the manufacturer or export warehouse proprietor shall consign the shipment to the proper officer on board the vessel or aircraft to which the shipment is to be delivered.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.196 To collector of customs for consumption as supplies on commercial vessels and aircraft.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for consumption as supplies beyond the jurisdiction of the internal revenue laws of the United States, the manufacturer or export warehouse proprietor shall consign the shipment to the collector of customs at the port at which the shipment is to be laden.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.197 For export by parcel post.

Tobacco materials, tobacco products, and cigarette papers and tubes removed from a factory, or tobacco products and cigarette papers and tubes removed from an export warehouse, for export by parcel post to a person in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be addressed and consigned to such person when the materials or articles are deposited in the mails. Waiver of his right to withdraw such materials or articles from the mails shall be stamped or written on each shipping container and be signed by the manufacturer or export warehouse proprietor making the shipment.

(72 Stat. 1418; 26 U.S.C. 5704)

NOTICE OF REMOVAL OF SHIPMENT

§ 290.198 Preparation.

For each shipment of tobacco materials, tobacco products, and cigarette papers and tubes transferred or removed from his factory, under bond and this part, the manufacturer shall prepare a notice of removal, Form 2149, and for each shipment of tobacco products and cigarette papers and tubes transferred or removed from his export warehouse, under bond and this part, the export warehouse proprietor shall prepare a notice of removal, Form 2150. Each such notice shall be given a serial number by the manufacturer or export warehouse proprietor in a series beginning with number 1, with respect to the first shipment removed from the factory or export warehouse under this part and commencing again with number 1 on January 1 of each year thereafter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.199 Disposition.

After actual removal from his factory or export warehouse of the shipment described on the notice of removal, Form 2149 or 2150, the manufacturer or export warehouse proprietor shall, except where the shipment is to be exported by parcel post, promptly forward one copy of the notice of removal to the assistant regional commissioner for the region in which is located the factory or warehouse from which the shipment is removed. A copy of each such notice shall be retained by the manufacturer or export warehouse proprietor as a part of his records, for two years following the close of the calendar year in which the shipment was removed and shall be made available for inspection by any internal revenue officer upon his request. The manufacturer or export warehouse proprietor shall dispose of the other copies of each notice of removal as required by this subpart.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.200 Transfers between factories and export warehouses.

Where tobacco products and cigarette papers and tubes are transferred from a factory to an export warehouse or between export warehouses, the manufacturer or export warehouse proprietor making the shipment shall forward three copies of the notice of removal, Form 2149 or 2150, as the case may be, to the export warehouse proprietor to whom the shipment is consigned. Immediately upon receipt of the shipment at his warehouse, the export warehouse proprietor shall properly execute the certificate of receipt on each copy of the notice of removal, noting thereon any discrepancy; return one copy to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner; retain one copy at his warehouse as a part of his records; and file the remaining copy with his report, required by § 290.147.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.201 Return to manufacturer or customs warehouse proprietor.

Where tobacco products and cigarette papers and tubes are removed from an export warehouse for return to the factory, or cigars are removed from such a warehouse for return to a customs warehouse, the export warehouse proprietor making the shipment shall forward two copies of the notice of removal, Form 2150, to the manufacturer or customs warehouse proprietor to whom the shipment is consigned. Immediately upon receipt of the shipment at his factory or warehouse, the manufacturer or customs warehouse proprietor shall properly execute the certificate of receipt on both copies of the notice of removal, noting thereon any discrepancy, and return one copy to the export warehouse proprietor making the shipment for filing with his assistant regional commissioner. The other copy of the notice of removal shall be retained by the manufacturer or customs warehouse proprietor, as a part of his records, for two years following the close of the calendar year in which the shipment was received and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.202 To officers of the armed forces for subsequent exportation.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for delivery to officers of the armed forces of the United States in this country for subsequent shipment to, and use by, the armed forces outside the United States, the manufacturer or export warehouse proprietor making the removal shall forward a copy of the notice of removal, Form 2149 or 2150, to the officer at the base or installation authorized to receive the articles described on the notice of removal. Upon execution by the armed forces receiving officer of the certificate of receipt on the copy of the notice of removal, he shall return such copy to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.203 To noncontiguous foreign countries and possessions of the United States.

Where tobacco materials, tobacco products, and cigarette papers and tubes are removed from a factory, or tobacco products and cigarette papers and tubes are removed from an export warehouse, for direct delivery to a vessel or aircraft for transportation to a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, the manufacturer or export warehouse proprietor making the shipment shall file two copies of the notice of removal, Form 2149 or 2150, with the office of the collector of customs at the port where the shipment is to be laden. Such copies of the notice of removal should be filed with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration, when the copies of the notice of removal are filed with the collector of customs they shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration and any other documents filed with his office in connection with the shipment. After the vessel or aircraft on which the shipment has been laden clears or departs from his port, the collector of customs shall execute the certificate of exportation on each copy of the notice of removal, retain one copy

for his records, and deliver or transmit the other copy to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.204 To a Federal department or agency.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse and are destined for ultimate delivery in a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, but the shipment is to be delivered to a Federal department or agency, or to an authorized dispatch agent, transportation officer, or port director of such a department or agency for forwarding on to the place of destination of the shipment, the manufacturer or export warehouse proprietor making the shipment shall furnish a copy of the notice of removal, Form 2149 or 2150, to the Federal department or agency, or an officer thereof at the port, receiving the shipment for ultimate transmittal to the place of destination, in order that such department, agency, or officer can properly execute the certificate of receipt on such notice to evidence receipt of the shipment for transmittal to a place beyond the jurisdiction of the Internal Revenue laws of the United States. After completing such certificate, the Federal department, agency, or officer shall return the copy of the notice of removal, so executed, to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.205 To contiguous foreign countries.

Where tobacco materials, tobacco products, and cigarette papers and tubes are removed from a factory, or tobacco products and cigarette papers and tubes are removed from an export warehouse, and consigned to a person in a contiguous foreign country, the manufacturer or export warehouse proprietor making the shipment shall furnish to the collector of customs at the border or other port of exit of the shipment from the United States, through which the shipment will be routed, two copies of the notice of removal, Form 2149 or 2150, together with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration or, in the case of a shipment for the armed forces of the United States in the contiguous foreign country, where no shipper's export declaration is required, the copies of the notice of removal when filed with the collector of customs shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration, if any, and any other documents filed with his office in connection with the shipment. After the shipment has been cleared by customs from the United States, the customs authorities at the port of exit will complete the certificate of exportation on each copy of the Form 2149 or 2150, retain one copy thereof, and transmit the other copy to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.206 To Government vessels and aircraft for consumption as supplies.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for direct delivery to a vessel or aircraft, engaged in an activity for the Government of the United States or a foreign government, for consumption as supplies beyond the jurisdiction of the internal revenue laws of the United States, the manufacturer or export warehouse proprietor making the shipment shall forward a copy of the notice of removal, Form 2149 or 2150, to the officer of the vessel or aircraft authorized to receive the shipment. Upon execution by the receiving officer of the vessel or aircraft of the certificate of receipt on the copy of the notice of removal, he shall return such copy to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.207 To commercial vessels and aircraft for consumption as supplies.

Where tobacco products and cigarette papers and tubes are removed from a factory or an export warehouse for delivery to a vessel or aircraft entitled to receive such articles for consumption as supplies beyond the jurisdiction of the internal revenue laws of the United States, the manufacturer or export warehouse proprietor making the shipment shall file two copies of the notice of removal, Form 2149 or 2150, with the collector of customs at the port where the shipment is to be laden in sufficient time to permit delivery of the two copies of the notice of removal to the inspector of customs who will inspect the shipment and supervise its lading. After inspection and lading of the shipment the inspector of customs shall note on the copies of the notice of removal any discrepancy between the shipment inspected and laden under his supervision and that described on the notice of removal or any limitation on the quantity to be laden; complete and sign the certificate of inspection and lading; and return both copies of the notice of removal to the collector of customs. The collector of customs shall execute the certificate of clearance on the copies of the notice of removal, retain one copy for his records, and forward the other copy to the manufacturer or export warehouse proprietor making the shipment for filing with his assistant regional commissioner. Where the vessel or aircraft does not clear from the port at which the shipment is laden, the customs inspector supervising the lading of the shipment shall require the person on board the vessel or aircraft authorized to receive the shipment to execute the certificate of receipt on both copies of the notice of removal to indicate the trade or activity in which the vessel or aircraft is engaged.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.208 For export by parcel post.

Where tobacco materials, tobacco products, and cigarette papers and tubes are removed from a factory, or tobacco products and cigarette papers and tubes are removed from an export warehouse, for export by parcel post, the manufacturer or export warehouse proprietor shall present one copy of the notice of removal, Form 2149 or 2150, together with the shipping containers, to the postal authorities with the request that the postmaster or his agent execute the certificate of mailing on the form. Where the manufacturer or export warehouse proprietor so desires, he may cover under one notice of removal all the merchandise removed under this part for export by parcel post which is delivered at one time to the postal service for that purpose. The manufacturer or export warehouse proprietor shall immediately file the receipted copy of the notice of removal with his assistant regional commissioner.

(72 Stat. 1418; 26 U.S.C. 5704)

MISCELLANEOUS PROVISIONS

§ 290.209 Diversion of shipment to another consignee.

If, after removal of a shipment from a factory or an export warehouse, the manufacturer or export warehouse proprietor desires to divert the shipment to another consignee, he shall so notify his assistant regional commissioner. The manufacturer or export warehouse proprietor shall describe the shipment, set forth the serial number and date of the notice of removal under which the shipment was removed from his factory or export warehouse, and furnish the name and address of the new consignee, who shall comply with all applicable provisions of this part.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.210 Return of shipment to factory or export warehouse.

A manufacturer or export warehouse proprietor may return to his factory or export warehouse, without internal revenue supervision when so authorized by the assistant regional commissioner, tobacco materials, tobacco products, and cigarette papers and tubes previously removed therefrom, under this part, but not yet exported. The manufacturer or export warehouse proprietor shall, prior to returning the materials or articles to his factory or export warehouse, make application to the assistant regional commissioner for permission so to do, which application shall be accompanied by two copies of the notice of removal, Form 2149 or 2150, under which the materials or articles were originally removed. If less than the entire shipment is intended to be returned to the factory or export warehouse, the application shall set forth accurately the materials or articles to be returned and shall show what disposition was made of the remainder of the original shipment and any other facts per-

tinent to such shipment. Where the assistant regional commissioner approves the application, he shall so indicate by endorsement to that effect on each of the copies of the notice of removal, set forth the materials or articles for which return is approved, and return both copies of the notice of removal to the manufacturer or export warehouse proprietor concerned. Upon receipt of the copies of the notice of removal bearing the endorsement of the assistant regional commissioner, the manufacturer or export warehouse proprietor shall return the materials or articles to his factory or export warehouse, properly modify and execute the certificate of receipt on each copy of the notice of removal, return one such copy to the assistant regional comissioner, and retain the other copy as a part of his records.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.211 Shipments to foreign-trade zones.

A manufacturer or export warehouse proprietor may remove tobacco products and cigarette papers and tubes, under his bond, without payment of tax, for shipment to a foreign-trade zone, in accordance with the applicable provisions of Part 253 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 290.212 Delay in lading at port of exportation.

If, on arrival of tobacco materials, tobacco products, and cigarette papers and tubes at the port of exportation, the vessel or aircraft for which they are intended is not prepared to receive the materials or articles, they may be properly stored at the port for not more than 30 days. In the event of any further delay, the facts shall be reported by the manufacturer or export warehouse proprietor to his assistant regional commissioner and unless he approves an extension of time in which to effect lading and clearance of the shipment it must be returned to the factory or export warehouse.

§ 290.213 Destruction of tobacco products and cigarette papers and tubes.

Where an export warehouse proprietor desires to destroy any of the tobacco products or cigarette papers or tubes stored in his warehouse, he shall notify the assistant regional commissioner of the kind and quantity of such articles to be destroyed and the date on which he desires the destruction to take place in order that the assistant regional commissioner may assign an internal revenue officer to inspect the articles and supervise their destruction. The export warehouse proprietor shall prepare a notice of removal, Form 2150, describing the articles to be destroyed. After witnessing the destruction of the articles, the internal revenue officer shall certify to their destruction on two copies of the notice of removal and return them to the export warehouse proprietor, who shall retain one copy for his records and file the other copy with his assistant regional commissioner.

Subpart K—Drawback of Tax

§ 290.221 Application of drawback of tax.

Allowance of drawback of tax shall apply only to tobacco products and cigarette papers and tubes, on which tax has been paid, when such articles are shipped to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States. Such drawback shall be allowed only to the person who paid the tax on such articles and who files claim and otherwise complies with the provisions of this subpart.

(72 Stat. 1419, 68A Stat. 908; 26 U.S.C. 5706, 7653)

§ 290.222 Claim.

Claim for allowance of drawback of tax, under this subpart, shall be filed on Form 2147 with the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes covered by the claim are held by the claimant. Such claim shall be so filed in sufficient time to permit the assistant regional commissioner to detail an internal revenue officer to inspect the articles and supervise destruction of the stamps thereon denoting payment of tax or, where the tax has been paid by return, to supervise the affixture of a label or notice bearing the legend "For Export With Drawback of Tax." Upon receipt of a claim supported by satisfactory bond, as required by this subpart, the assistant regional commissioner shall assign an internal revenue officer to proceed to the place where the articles involved are held and there perform the functions required in § 290.224.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.223 Drawback bond.

Each claim for allowance of drawback of tax, under this subpart, shall be accompanied by a bond, Form 2148, satisfactory to the assistant regional commissioner with whom the claim is filed. Such bond shall be in an amount not less than the amount of tax for which drawback is claimed, conditioned that the claimant shall furnish, within a reasonable time, evidence satisfactory to the assistant regional commissioner that the tobacco products and cigarette papers and tubes have been landed at some port beyond the jurisdiction of the internal revenue laws of the United States, or that after clearance from the United States the articles were lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and have not been relanded within the limits of the United States. The provisions of §§ 290.121 and 290.122 are applicable with respect to any drawback bond required under this section.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.224 Inspection by an internal revenue officer.

The internal revenue officer assigned in connection with a claim for drawback of tax, under this subpart, shall, at the place where the tobacco products and cigarette papers and tubes covered by the claim are held by the claimant, examine such articles and satisfy himself as to the accuracy of the schedule of such articles appearing in the claim, Form 2147. Where the tax has been paid by stamp, the internal revenue officer will supervise destruction of the stamps on the packages. No particular mode of destruction of such stamps is prescribed, but the use of any indelible preparation which will render them illegible is approved. Where the tax on such articles has been paid by return, the internal revenue officer will satisfy himself that the articles have in fact been taxpaid and each package bears the label or notice required by § 290.222. When the stamps have been properly destroyed, or the packages bear the required label or notice, the internal revenue officer will supervise the packing of such articles in shipping containers, the numbering of each such container, and the affixture thereto of the following:

Drawback of tax claimed on contents.
Sale, consumption, or use in U.S. prohibited.

Thereafter, the internal revenue officer will execute his report on each copy of the claim, return two copies to the claimant, deliver one copy to the assistant regional commissioner, and release the shipment to the claimant for delivery to the port of exportation.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.225 Delivery of tobacco products and cigarette papers and tubes for export other than by parcel post.

The claimant, upon release of the tobacco products and cigarette papers and tubes by the internal revenue officer for exportation with benefit of drawback of tax, under this subpart, shall be responsible for delivery of such articles to the port of exportation for customs inspection, supervision of lading, and clearance of the articles. The claimant, or his agent at said port, shall file with the collector of customs at the port of exportation in sufficient time, prior to lading, to permit his inspection and supervision of lading of the tobacco products and cigarette papers and tubes, the two copies of the Form 2147 returned to the claimant by the internal revenue officer, in accordance with § 290.224.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.226 Delivery of tobacco products and cigarette papers and tubes for export by parcel post.

Where the tobacco products and cigarette papers and tubes are to be shipped by parcel post to a destination in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, a waiver of his right to withdraw such articles from the mails shall be stamped or written on each shipping container and be signed by the claimant, after which the claimant shall present the shipment to the post office. The claimant shall request the postmaster or his agent to execute the certificate of mailing on the copy of the claim, Form 2147, returned to the claimant by the internal revenue officer in accordance with § 290.224. When so executed by

the postal authorities, the Form 2147 shall be transmitted at once to the assistant regional commissioner with whom the form was previously filed.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.227 Customs procedure.

The inspector of customs shall satisfy himself that the tobacco products and cigarette papers and tubes described on the Form 2147 and those inspected by him are the same, and shall note on the form any discrepancy. After having inspected the articles and supervised the lading thereof on the export carrier, the inspector shall complete and sign the certificate of inspection and lading on each copy of the Form 2147, and then deliver or transmit such copies of the form to the office of his collector of customs for further processing. After clearance from the port of the export carrier on which the articles are laden, the collector of customs shall execute the certificate of exportation on both copies of Form 2147. The collector shall retain one copy of the form for his record and transmit the other copy to the assistant regional commissioner of the region from which the articles were shipped.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.228 Landing certificate.

Each claimant for drawback under this subpart agrees in the bond filed by him that he will furnish, within a reasonable time, evidence satisfactory to the assistant regional commissioner that the tobacco products and cigarette papers and tubes covered by his claim have been landed at some port beyond the jurisdiction of the internal revenue laws of the United States, or that after shipment from the United States the articles were lost, and have not been relanded within the limits of the United States. The landing certificate shall accurately describe the articles involved, so as to readily identify the drawback claim to which it relates. The landing certificate shall be signed by a revenue officer at the place of destination, unless it is shown that no such officer can furnish such landing certificate, in which case the certificate of landing shall be signed by the consignee, or by the vessel's agent at the place of landing, and shall be sworn to before a notary public or other officer authorized to administer oaths and having an official seal. The landing certificate shall be filed with the assistant regional commissioner, with whom the drawback claim was filed, within six months from the date of clearance of the tobacco products and cigarette papers and tubes from the United States. A landing certificate prepared in a foreign language shall be accompanied by an accurate translation thereof in English.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.229 Collateral evidence as to landing.

In case of inability to furnish the prescribed evidence of landing, application for relief shall be promptly made by the claimant to the assistant regional commissioner with whom the drawback claim and bond were filed. Such application shall set forth the facts connected with the alleged exportation, and indicate the date of shipment, the kind, quantity, and value of tobacco products and cigarette papers and tubes shipped, the name of the consignee, the name of the vessel, the port or place of destination to which the shipment was made, and the date and amount of the bond covering such shipment. The application shall also state in what particular the provisions of this subpart, respecting the proofs of landing, have not been complied with, and the cause of failure to furnish such proofs; that such failure was not occasioned by any lack of diligence on the part of the claimant, or that of his agents; and that he is unable to furnish any other or better evidence than that furnished with his application. Each such application shall be supported by the best collateral evidence the claimant may be able to submit. The evidence may consist of the original or verified copies of letters from the consignee advising the claimant of the arrival or sale of the tobacco products and cigarette papers and tubes, with such other statements respecting the failure to furnish the prescribed evidence of landing as may be obtained from the consignee or other persons having knowledge thereof. Such letters and other documents in a foreign language shall be accompanied by accurate translations thereof in English, and, when the letters fail to identify sufficiently the tobacco products and cigarette papers and tubes, the original sales account must be produced.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.230 Proof of loss.

When the claimant is unable to procure a certificate of landing, in accordance with the provisions of § 290.228, in consequence of loss of the tobacco products and cigarette papers and tubes, his application for relief shall set forth the extent of the loss and, if possible, the location and manner of shipwreck or other casualty and the time of its occurrence. When obtainable, affidavits of the vessel's owners should be furnished detailing the manner and extent of the loss and the time and location of the disaster. If the tobacco products and cigarette papers and tubes were insured, the claimant shall furnish certificates by officers of the insurance companies that the insurance has been paid, and that, to the best of their knowledge and belief, the tobacco products and cigarette papers and tubes were actually destroyed. The aforesaid proof shall be furnished to the assistant regional commissioner within six months from the date of clearance of the tobacco products and cigarette papers and tubes from the United States.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.231 Extension of time.

In case the claimant, from causes beyond his control, is unable to furnish the landing certificate or proof of loss, within the time prescribed therefor, he may make an application to the assistant regional commissioner for an extension of time in which to do so. Such application must state specifically the cause of failure to furnish the evidence. Two extensions of three months each may be granted by the assistant regional commissioner, provided the surety on the drawback bond of the claimant assents in writing thereto.

(72 Stat. 1419; 26 U.S.C. 5706)

§ 290.232 Allowance of claim.

On receipt of the executed Form 2147 from the collector of customs the assistant regional commissioner will allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full the assistant regional commissioner will notify the claimant, in writing, of the reasons for any disallowance.

(72 Stat. 1419; 26 U.S.C. 5706)

Subpart L—Withdrawal of Cigars From Customs Warehouses

§ 290.241 Shipment restricted.

Cigars produced in a customs warehouse in accordance with customs laws and regulations may be withdrawn under this subpart, without payment of tax, for export or for delivery for subsequent exportation. Duties paid on the tobacco used in the manufacture of such cigars may not be recovered on the exportation of the cigars under this subpart.

§ 290.242 Responsibility for tax on cigars.

A customs warehouse proprietor who withdraws cigars for export under his bond, without payment of tax, in accordance with the provisions of this part, shall be responsible for payment of such tax until he is relieved of such responsibility by furnishing the assistant regional commissioner, for the region in which is located the customs warehouse from which the cigars were withdrawn, evidence satisfactory to the assistant regional commissioner of exportation or proper delivery, as required by this subpart, or satisfactory evidence of such other disposition as may be used as the lawful basis for such relief. Such evidence shall be furnished within 90 days of the date of withdrawal of the cigars: *Provided,* That this period may be extended for good cause shown.

BONDS

§ 290.243 Bond required.

Where the customs warehouse proprietor desires to withdraw cigars from his warehouse, without payment of tax, under this subpart, he shall, prior to making the first withdrawal, file with the assistant regional commissioner a bond, Form 2104, conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter, for which he may be responsible to the United States, and penalties and interest in connection therewith. The provisions of §§ 290.121 and 290.122 are applicable to the bond required under this section. However, such bond shall not be required where the customs warehouse propri-

etor has in effect a bond, Form 2100, pursuant to § 270.199 of this subchapter, conditioned upon compliance with Chapter 52, I.R.C., and regulations thereunder.

§ 290.244 Amount of bond.

The amount of the bond filed by the customs warehouse proprietor, as required by § 290.243, shall be not less than the estimated amount of tax which may at any time constitute a charge against the bond: *Provided,* That the amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed $25,000 nor be less than $1,000. The charges against such bond shall be subject to increase as withdrawals are made and decrease as required evidence of exportation is received by the assistant regional commissioner with respect to cigars withdrawn. When the limit of liability under a bond given in less than the maximum amount has been reached, further withdrawals shall not be made thereunder until a strengthening or superseding bond is filed as required by § 290.245 or 290.246.

§ 290.245 Strengthening bond.

Where the assistant regional commissioner determines that the amount of the bond, under which the customs warehouse proprietor is withdrawing cigars for shipment under this subpart, no longer adequately protects the revenue, and such bond is in an amount of less than $25,000, the assistant regional commissioner may require the proprietor to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 290.244. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

§ 290.246 Superseding bond.

The customs warehouse proprietor shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

§ 290.247 Termination of liability of surety under bond.

The liability of a surety on any bond required by this subpart shall be terminated only as to operations on and after the effective date of a superseding bond, or the date of approval of the customs warehouse proprietor's request for termination, or otherwise, in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the proprietor while the bond is in force.

PACKAGING REQUIREMENTS

§ 290.248 Packages.

Cigars shall, before withdrawal under this part, be put up by the customs warehouse proprietor in packages which shall bear the label or notice, class designation, and mark, as required by this subpart.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.249 Lottery features.

No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars withdrawn under this subpart.

(72 Stat. 1422; 26 U.S.C. 5723; 18 U.S.C. 1301)

§ 290.250 Indecent or immoral material.

No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars withdrawn under this subpart.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.251 Mark.

Every package of cigars shall, before withdrawal from the customs warehouse under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, the name and location of the manufacturer. There shall also be adequately stated on each such package the number of cigars contained in the package.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.252 Label or notice.

Every package of cigars shall, before withdrawal from the customs warehouse under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, the words "Tax-exempt. For use outside U.S." or the words "U.S. Tax-exempt. For use outside U.S.", except where a stamp, sticker, or notice, required by a foreign country or a possession of the United States, which identifies such country or possession, is so imprinted or affixed.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.253 Class designation for large cigars.

Every package of large cigars shall, before withdrawal from the customs warehouse under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, a class designation corresponding with the rate of tax under section 5701(b)(2), I.R.C., applicable to similar cigars withdrawn for taxable purposes. The appropriate class designation shall be stated in the following manner:

Class A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each;

Class B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each;

Class C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each;

Class D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each;

Class E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each;

Class F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each; or

Class G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 290.254 Shipping containers.

Each shipping case, crate, or other container, in which cigars are to be withdrawn, under this subpart, shall bear a distinguishing number, such number to be assigned by the customs warehouse proprietor.

CONSIGNMENT OF SHIPMENT

§ 290.255 Consignment of cigars.

Cigars withdrawn from a customs warehouse, without payment of tax, under internal revenue bond and this part, shall be consigned in the same manner as provided by Subpart J of this part with respect to the removal of tobacco products and cigarette papers and tubes from a factory or an export warehouse.

NOTICE OF REMOVAL OF SHIPMENT

§ 290.256 Preparation.

For each shipment to be withdrawn under this subpart, the customs warehouse proprietor shall prepare a notice of removal, Form 2149. Each such notice shall be given a serial number by the proprietor in a series beginning with number 1, with respect to the first shipment withdrawn under this subpart and commencing again with number 1 on January 1 of each year thereafter.

§ 290.257 Disposition.

After actual withdrawal from his warehouse of the shipment described on the notice of removal, Form 2149, the customs warehouse proprietor shall, except where the shipment is to be exported by parcel post, promptly forward one copy of the notice of removal to the assistant regional commissioner for the region in which is located the customs warehouse from which the shipment is withdrawn. A copy of each such notice shall be retained by the customs warehouse proprietor as a part of his records, for two years following the close of the calendar year in which the shipment was withdrawn, and shall be made available for inspection by any internal revenue officer upon his request. The proprietor shall dispose of the other copies of each notice of removal as required by this subpart.

§ 290.258 To officers of the armed forces for subsequent exportation.

Where cigars are withdrawn from a customs warehouse for delivery to officers of the armed forces of the United States

in this country for subsequent shipment to, and use by, the armed forces outside the United States, the customs warehouse proprietor making the shipment shall forward a copy of the notice of removal, Form 2149, to the officer at the base or installation authorized to receive the cigars described on the notice of removal. Upon execution by the armed forces receiving officer of the certificate of receipt on the copy of the notice of removal, he shall return such copy to the customs warehouse proprietor making the shipment for filing with the appropriate assistant regional commissioner.

§ 290.259 To noncontiguous foreign countries and possessions of the United States.

Where cigars are withdrawn from a customs warehouse for direct delivery to a vessel or aircraft for transportation to a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, the customs warehouse proprietor making the withdrawal shall file two copies of the notice of removal, Form 2149, with the office of the collector of customs at the port where the shipment is to be laden. Such copies of the notice of removal should be filed with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration, when the copies of the notice of removal are filed with the collector of customs they shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration and any other documents filed with his office in connection with the shipment. After the vessel or aircraft on which the shipment has been laden clears or departs from his port, the collector of customs shall execute the certificate of exportation on each copy of the notice of removal, retain one copy for his records, and deliver or transmit the other copy to the customs warehouse proprietor making the shipment for filing with the appropriate assistant regional commissioner.

§ 290.260 To a Federal department or agency.

Where cigars are withdrawn from a customs warehouse and are destined for ultimate delivery in a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, but the shipment is to be delivered to a Federal department or agency, or to an authorized dispatch agent, transportation officer, or port director of such a department or agency for forwarding on to the place of destination of the shipment, the customs warehouse proprietor making the shipment shall furnish a copy of the notice of removal, Form 2149, to the Federal department or agency, or an officer thereof at the port, receiving the shipment for ultimate transmittal to the place of destination, in order that such department, agency, or officer, can properly execute the certificate of receipt on such notice to evidence receipt of the shipment for transmittal to a place beyond the jurisdiction of the internal revenue laws of the United States. After completing such certificate, the Federal department, agency, or officer, shall return the copy of the notice of removal, so executed, to the customs warehouse proprietor making the shipment for filing with the appropriate assistant regional commissioner.

§ 290.261 To contiguous foreign countries.

Where cigars are withdrawn from a customs warehouse and consigned to a person in a contiguous foreign country, the customs warehouse proprietor making the shipment shall furnish to the collector of customs at the border or other port of exit of the shipment from the United States, through which the shipment will be routed, two copies of the notice of removal, Form 2149, together with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration or, in the case of a shipment for the armed forces of the United States in the contiguous foreign country, where no shipper's export declaration is required, the copies of the notice of removal when filed with the collector of customs shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration, if any, and any other documents filed with his office in connection with the shipment. After the shipment has been cleared by customs from the United States, the customs authorities at the port of exit will complete the certificate of exportation on each copy of the Form 2149, retain one copy thereof, and transmit the other copy to the customs warehouse proprietor making the shipment for filing with the appropriate assistant regional commissioner.

§ 290.262 To Government vessels and aircraft for consumption as supplies.

Where cigars are withdrawn from a customs warehouse for direct delivery to a vessel or aircraft, engaged in an activity for the Government of the United States or a foreign government, for consumption as supplies beyond the jurisdiction of the internal revenue laws of the United States, the customs warehouse proprietor making the shipment shall forward a copy of the notice of removal, Form 2149, to the officer of the vessel or aircraft authorized to receive the shipment. Upon execution by the receiving officer of the vessel or aircraft of the certificate of receipt on the copy of the notice of removal, he shall return such copy to the customs warehouse proprietor making the shipment for filing with the appropriate assistant regional commissioner.

§ 290.263 To commercial vessels and aircraft for consumption as supplies.

Where cigars are withdrawn from a customs warehouse for delivery to a vessel or aircraft entitled to receive such articles for consumption as supplies beyond the jurisdiction of the internal revenue laws of the United States, the customs warehouse proprietor making the shipment shall file two copies of the notice of removal, Form 2149, with the collector of customs at the port where the shipment is to be laden in sufficient time to permit delivery of the two copies of the notice of removal to the inspector of customs who will inspect the shipment and supervise its lading. After inspection and lading of the shipment the inspector of customs shall note on the copies of the notice of removal any discrepancy between the shipment inspected and laden under his supervision and that described on the notice of removal or any limitation on the quantity to be laden; complete and sign the certificate of inspection and lading; and return both copies of the notice of removal to the collector of customs. The collector of customs shall execute the certificate of clearance on the copies of the notice of removal, retain one copy for his records, and forward the other copy to the customs warehouse proprietor making the shipment for filing with the appropriate assistant regional commissioner. Where the vessel or aircraft does not clear from the port at which the shipment is laden, the customs inspector supervising the lading of the shipment shall require the person on board the vessel or aircraft authorized to receive the shipment to execute the certificate of receipt on both copies of the notice of removal to indicate the trade or activity in which the vessel or aircraft is engaged.

§ 290.264 To internal revenue export warehouses.

Where cigars are withdrawn from a customs warehouse for delivery to an internal revenue export warehouse, the proprietor of the customs warehouse shall forward to the proprietor of the internal revenue export warehouse three copies of the notice of removal, Form 2149, covering the shipment, for execution and disposition in accordance with procedure similar to that set forth in § 290.200 in connection with a shipment of tobacco products and cigarette papers and tubes from a factory to an export warehouse. The executed copy of the notice of removal, Form 2149, returned to the customs warehouse proprietor by the internal revenue export warehouse proprietor shall be filed with the appropriate assistant regional commissioner.

§ 290.265 For export by parcel post.

Where cigars are withdrawn from a customs warehouse for export by parcel post, the customs warehouse proprietor shall present one copy of the notice of removal, Form 2149, together with the shipping containers, to the postal authorities with the request that the postmaster or his agent execute the certificate of mailing on the form. Where a customs warehouse proprietor so desires, he may cover under one notice of removal all the cigars removed under this part for export by parcel post which are delivered at one time to the postal service for that purpose. The customs warehouse proprietor shall immediately file the receipted copy of the notice of removal with the appropriate assistant regional commissioner.

RETURN OF SHIPMENT

§ 290.266 Return of cigars from internal revenue export warehouses.

Where cigars are returned to a customs warehouse from an internal revenue export warehouse, the officer in charge of the customs warehouse shall execute the certificate of receipt on each of the copies of the related Form 2150 received from the export warehouse proprietor, after checking the containers to determine whether all the cigars described on the notice have been received. Thereafter, both copies of the Form 2150 shall be turned over to the proprietor of the customs warehouse who shall return one copy to the export warehouse proprietor for disposition as provided in § 290.201. The customs warehouse proprietor shall retain the other copy of the notice of removal, as a part of his records, for two years following the close of the calendar year in which the shipment was received. Such copy shall be made available for inspection by any internal revenue officer upon his request.

§ 290.267 Return of cigars from other sources.

A customs warehouse proprietor may return to his warehouse cigars previously withdrawn therefrom, under this subpart, provided he promptly files with the appropriate assistant regional commissioner a copy of the Form 2149 under which the cigars were originally withdrawn, with the certificate of receipt properly modified and executed by the customs officer in charge of the warehouse to show return of the shipment. If less than the entire shipment is returned to the warehouse, the form shall state what disposition was made of the remainder of the original shipment and any other facts pertinent to such shipment. The customs warehouse proprietor shall retain a copy of such form as a part of his records for two years after the close of the calendar year in which the shipment was returned. Such copy shall be made available for inspection by any internal revenue officer upon request.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: May 24, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-4831; Filed, May 27, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Notice of proposed amendments to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on April 22, 1960 (25 F.R. 3528). The amendments hereinafter promulgated are issued pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The amendments provide for billing for the relief grader rendering resident service, at the salary of the grader regularly stationed at the plant. The relief grader's added salary cost will be recovered by increasing the charge for fringe benefits. The fringe benefit factor is also increased to cover the cost to the Government due to the enactment of the Federal Employees' Health Benefits Act of 1959. The amendments will also increase the fees for laboratory analyses. The increases are necessary to cover increased laboratory costs and the Agricultural Marketing Act of 1946 requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof. The amendments hereinafter set forth are essentially the same as were published in the aforesaid notice.

After consideration of all relevant material presented, the amendments hereinafter set forth are promulgated to become effective on July 1, 1960.

The amendments are as follows:

§ 55.38 [Amendment]

1. In § 55.38 of said regulations, the term "Figure 4" is substituted for "Figure 3" wherever the latter term appears.

§ 55.39 [Amendment]

2. In § 55.39 of said regulations, the term "Figure 4" is substituted for the term "Figure 3" wherever the latter appears, and the term "Figures 2 and 3" is substituted for "Figures 1 and 2."

§ 55.61 [Amendment]

3. Change § 55.61(c) to read:

(c) If an applicant requires that any grading service be performed on a holiday, Saturday, Sunday, or between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, he shall be charged for such service at the rate of $6.00 per hour.

4. Change § 55.66 to read:

§ 55.66 Egg products laboratory analyses fees.

(a) For each of the following laboratory analyses the fee referable thereto shall be applicable except as otherwise stated in paragraph (b) of this section:

	Fee
Solids	$2.50
Fat	3.75
Bacteriological plate count	2.50
Bacteriological direct count	2.50
E. Coli (Presumptive)	2.50
Coliforms	2.50
Salmonella	5.00
Yeast and mold count	2.50
Solubility	1.50
Sugar	5.00
Salt	7.50
Color:	
NEPA	3.75
B-carotene	5.00
Whipping test	2.50
Whipping test plus bleeding	3.75
Meringue test	2.50
Fat film test	5.00
Oxygen	3.75
Glucose:	
Quantitative	$6.25
Qualitative	3.75
Palatability and odor:	
First sample	2.50
Each additional sample	1.25
Organoleptic	2.50

(b) *Other fees for specified individual tests and services.* The fees specified in this paragraph are applicable for individual tests for one factor only on a particular sample of egg products.

	Fee
Solids	$3.00
Bacteriological plate count	3.00
Bacteriological direct count	3.00
E. Coli (Presumptive)	3.00
Coliforms	3.00
Yeast and mold count	3.00
Volatile acids	20.00
Acetic acid	40.00

§ 55.68 [Amendment]

5. Change § 55.68(a) to read:

(a) *Charges.* The charges for grading and inspection of egg products shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading and inspection service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of $5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section, such as, but not limited to, initial surveys;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader;

(3) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided*, That, no charge is to be made for salary cost of any assigned grader or inspector of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(4) A charge for the relief grader or inspector, at the rate of the regular grader's or inspector's salary, and the actual travel expenses and per diem paid by AMS to any grader or inspector whose services are required for relief purposes

when regular graders or inspectors are on annual or sick leave;

(5) A charge for the actual cost to AMS of any travel or per diem incurred by each grader or inspector assigned to the plant while in the performance of grading or inspection service rendered the applicant.

(6) A charge to cover the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred (other than for the convenience of AMS) from an official station to the designated plant.

(7) A charge equal to 20 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, sick leave, annual leave, and related servicing costs;

(8) A charge equal to 7 percent of: (i) The overtime salary, (ii) the salary paid to each grader or inspector exclusive of one regular grader or inspector, and (iii) all charges made to the applicant for transportation and per diem which are paid by AMS to graders or inspectors assigned to the applicant;

(9) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where application is in effect and no product is handled	$25.00
1 to 100,000 pounds	40.00
100,001 to 200,000 pounds	55.00
200,001 to 300,000 pounds	65.00
300,001 to 400,000 pounds	75.00
400,001 to 500,000 pounds	85.00
For each additional 100,000 pounds, or fraction thereof, in excess of 500,000 pounds	[1] 5.00

[1] The maximum charge shall not exceed $175.00.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74, as amended)

Issued at Washington, D.C., the 25th day of May 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-4848; Filed, May 27, 1960; 8:50 a.m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

On April 15, 1960, there was published in the FEDERAL REGISTER (25 F.R. 3262) a notice of the proposed issuance of amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and the United States Classes, Standards, and Grades with Respect Thereto (7 CFR, Part 70, as amended). The amendments hereinafter promulgated are issued pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

The amendments provide for a revision of descriptive terms in the standards to provide for a greater amount of flesh on the breast of A Quality birds; establishment of standards for ready-to-cook poultry parts; establishment of wholesale and procurement grades for dressed and ready-to-cook poultry; limiting the use of the official letter grade mark on individual carcasses, consumer packages and shipping containers of ready-to-cook poultry, to product which was graded on an individual carcass basis; and also provides for billing for the relief grader rendering resident service, on the basis of the salary of the grader regularly stationed at the plant.

After consideration of all relevant material, the regulations in 7 CFR Part 70, as amended, are hereby further amended as follows:

§ 70.1 [Amendment]

1. Delete the definition of "Rock cornish game hen" or "cornish game hen" from §70.1.

§ 70.2 [Amendment]

2. Change § 70.2(c) by deleting the words "combined form of inspection and grade mark."

§ 70.4 [Amendment]

3a. Change § 70.4(d) to read:

(d) Inspection service in official plants.

3b. Delete § 70.4(f).

§ 70.90 [Amendment]

4. Change § 70.90 by deleting the phrase ", or combination inspection and grading mark,".

§ 70.91 [Amendment]

5. Change § 70.91(a) to read:

(a) The appropriate grade marks for consumer grades as specified in § 70.356 through § 70.359 are the only grade marks which may be applied individually to ready-to-cook poultry and edible poultry products prepared therefrom or to the containers in which such products are enclosed for the purpose of display and sale to household consumers.

5a. Delete § 70.91(c).

§ 70.131 [Amendment]

5b. Change § 70.131(c) to read:

(c) If an applicant requires that any grading service be performed on a holiday, Saturday, Sunday, or between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, he shall be charged for such service at the rate of $6.00 per hour.

§ 70.138 [Amendment]

6. Change § 70.138(a) to read:

(a) *Charges.* The charges for grading of poultry and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of $5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to, initial surveys;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader;

(3) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture;

(4) A charge for the relief grader at the rate of the regular grader's salary and the actual travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(5) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service for the applicant;

(6) A charge to cover the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred (other than for the convenience of AMS) from an official station to the designated plant;

(7) A charge equal to 20 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U.S.C.) for Old Age and Survivors Benefits under the Social Security System and for Insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, sick leave, annual leave, and related servicing costs;

(8) A charge equal to 7 percent of: (i) The overtime salary, (ii) the salary paid to each grader exclusive of one regular

grader, and (iii) all charges made to the applicant for transportation and per diem which are paid by AMS to graders assigned to the applicant;

(9) An administrative service charge based on the aggregate weight of the total monthly volume of all poultry handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where an approved application is in effect and no product is handled	$25.00
1 to 100,000 pounds	40.00
100,001 to 200,000 pounds	55.00
200,001 to 300,000 pounds	65.00
300,001 to 400,000 pounds	75.00
400,001 to 500,000 pounds	85.00
For each additional 100,000 pounds, or fraction thereof, in excess of 500,000 pounds	[1] 5.00

[1] The maximum charge shall not exceed $175.00.

7. Change § 70.182 to read:

§ 70.182 Dressed poultry.

The shipping containers only of dressed poultry may be identified as to grade by the appropriate wholesale grade mark, an acceptance mark for contract specifications as provided in § 70.11, or other means approved by the Administrator, and no official grade mark shall appear on the dressed poultry itself except for export poultry prepared in accordance with the requirements of the foreign country involved.

8. Add a new § 70.183 to read.

§ 70.183 Ready-to-cook poultry.

(a) Ready-to-cook poultry carcasses or parts may be graded only if they have been inspected and certified pursuant to the regulations in this part, or inspected and passed by any other inspection system which is acceptable to the Administrator, except that acceptability of non-inspected ready-to-cook carcasses or parts may be determined under institutional contract specifications pursuant to § 70.11.

(b) Only when ready-to-cook poultry carcasses or parts have been graded on an individual basis by a grader licensed under § 70.30(a), or by a limited licensee pursuant to § 70.30(d) and thereafter check-graded by a grader, may the container or the individual carcasses or parts be identified with the appropriate letter grade mark. Except when otherwise permitted by the Administrator, the grading of ready-to-cook poultry with respect to the factors of fleshing and fat covering and the determination of the class of the poultry shall be performed prior to the disjointing or cutting up of the carcass. Grading with respect to the other factors of quality may be performed after the carcass has been disjointed or cut up.

9. Change § 70.228 to read:

§ 70.228 Appeal grading certificates.

Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued. If the results of the appeal grading indicate that the original grading was not materially in error, the appeal grading certificate shall confirm the original grading. If the results of the appeal grading indicate that a material error was made in the original grading, the results of such appeal grading shall be shown on the appeal grading certificate and the appeal grading certificate shall supersede any previous grading certificate for the product involved. Such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The Administrator may withhold the issuance of an appeal grading certificate until the original grading certificate which it supersedes has been returned to the issuing office when such action is deemed necessary to protect the interest of the Government. The provisions of §§ 70.200 to 70.202 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished to each interested party of record.

10. Change § 70.301 to read:

§ 70.301 Chickens.

The following are the various classes of chickens:

(a) *Rock Cornish game hen or Cornish game hen.* A Rock Cornish game hen or Cornish game hen is a young immature chicken (usually 5 to 7 weeks of age) weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken.

(b) *Broiler or fryer.* A broiler or fryer is a young chicken (usually 9 to 12 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(c) *Roaster.* A roaster is a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer.

(d) *Capon.* A capon is a surgically unsexed male chicken (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(e) *Stag.* A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(f) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and nonflexible breastbone.

(g) *Cock or old rooster.* A cock or old rooster is a mature male chicken with course skin, toughened and darkened meat, and hardened breastbone.

11. Change § 70.302 to read:

§ 70.302 Turkeys.

The following are the various classes of turkeys:

(a) *Fryer-roaster turkey.* A fryer-roaster turkey is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(b) *Young hen turkey.* A young hen turkey is a young female turkey (usually 5 to 7 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(c) *Young tom turkey.* A young tom turkey is a young male turkey (usually 5 to 7 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(d) *Yearling hen turkey.* A yearling hen turkey is a fully matured female turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(e) *Yearling tom turkey.* A yearling tom turkey is a fully matured male turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(f) *Mature turkey or old turkey (hen or tom).* A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(g) For labeling purposes, the designation of sex within the class name is optional and the three classes of young turkeys may be grouped and designated as "young turkeys."

12. Change § 70.325 to read:

§ 70.325 A Quality or No. 1 Quality.

To be of A Quality or No. 1 Quality the live bird:

(a) Is alert, has bright eyes, and is of good health and vigor.

(b) Is well feathered, with feathers showing luster or sheen and quite thoroughly covering all parts of the body; and may have a slight scattering of pinfeathers.

(c) Is of normal physical conformation. (Slight defects which do not affect the normal distribution of the flesh and do not detract from the appearance of the carcass are permitted.)

(d) Has a well-developed, moderately broad and long breast sufficiently well-fleshed so that the breast has a rounded appearance with the flesh carrying well up to the crest of the breastbone; and has legs that are well-fleshed.

(e) Has a well-developed covering of fat in the skin considering the class, age, and sex of the bird.

(f) May have slight scratches, slight skin bruises, and slight callouses (i.e., slightly thickened, hardened, and darkened areas of skin over the breastbone), if these conditions do not materially affect the appearance of the bird, especially the breast; and may also have slightly scaly shanks; but is otherwise

free from tears, broken bones, and breast blisters.

13. Change § 70.326 to read:

§ 70.326 B Quality or No. 2 Quality.

To be of B Quality or No. 2 Quality the live bird:

(a) Is of good health and vigor.

(b) Is fairly well feathered (i.e., some feathers may be lacking on some parts of the body); and may have a moderate number of pinfeathers.

(c) May have moderate abnormalities in conformation such as a dented, curved or crooked breast, crooked back, or misshapen legs or wings which do not seriously affect the distribution of the flesh or the appearance of the carcass.

(d) Has sufficient flesh on the breast and legs so as to prevent a thin appearance and a definite breastbone crestline.

(e) Has noticeable fat in the feather tracts of the breast and has sufficient fat in the skin on the breast and legs to prevent a distinct appearance of the flesh through the skin.

(f) Is free from tears, broken bones, flesh bruises, severe breast blisters, heavy callouses (i.e., thickened, hardened, and darkened areas of skin over the breastbone) and seriously scaly shanks; but it may have moderate skin bruises and scratches.

14. Change § 70.327 to read:

§ 70.327 C Quality or No. 3 Quality.

Any live bird, other than those classed as rejects, that does not meet the requirements of A or B Quality or No. 1 or 2 Quality may be of C Quality or No. 3 Quality. Such birds may:

(a) Be lacking in vigor.

(b) Have a large number of pinfeathers over all parts of the body and complete lack of plumage feathers on the back.

(c) Have definite, but not pronounced deformities (including, but not being limited to, a crooked breastbone, hunchback, and slight crippling).

(d) Be poorly fleshed, but not emaciated.

(e) Have only a small amount of fat in the feather tracts and be completely lacking in fat on back and thighs; and

(f) Have serious skin bruises and moderate flesh bruises, and more severe breast blisters than allowed for B Quality or No. 2 Quality.

15. Change § 70.350 to read:

§ 70.350 General.

(a) The United States standards for quality contained in §§ 70.350 to 70.355 are applicable to individual carcasses of ready-to-cook poultry, to parts of ready-to-cook poultry as described in paragraph (f) of this section, to any other poultry product prepared in a manner approved by the Administrator, and to individual carcasses of dressed poultry.

(b) Carcasses or parts found to be unsound, unwholesome, or unfit for food in whole or in part shall not be included in any of the quality designations specified in §§ 70.350 to 70.355. If the carcass is dressed poultry, determination of unsoundness or unwholesomeness shall be based on external characteristics only. No part other than wing tips, of a dressed poultry carcass may be removed.

(c) The following factors shall be considered in ascertaining, pursuant to §§ 70.350 to 70.355, the quality of an individual carcass or part: (1) Conformation; (2) fleshing; (3) fat covering; (4) the degree of freedom from pinfeathers and vestigial feathers (i.e., hair or down, as the case may be); (5) the degree of freedom from tears and cuts (exclusive of normal processing cuts); (6) the degree of freedom from disjointed bones and broken bones; (7) the degree of freedom from discolorations of the skin and of the flesh and from blemishes and bruises of the skin and flesh; and (8) the degree of freedom from freezer burn.

(d) In interpreting the respective requirements specified in §§ 70.350 to 70.355 for A Quality, B Quality, and C Quality, the intensity, aggregate area involved and locations of (1) discolorations (whether or not caused by dressing operations), (2) bruises, (3) pinfeathers and (4) freezer burn, as such defects individually, or in combination, detract from the general appearance, shall be considered in determining the particular quality of an individual carcass or part.

(e) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed, and the fact that a portion of the carcass has been removed, will not be considered in determining the quality of the balance of the carcass, if the remaining portion of the carcass is to be disjointed and packed as parts in the official plant where graded.

(f) The standards of quality are applicable to poultry parts cut in the manner described in subparagraphs (1) through (10) of this paragraph.

(1) "Breasts" shall be separated from the back at the shoulder joint and by a cut running backward and downward from that point along the junction of the vertebral and sternal ribs. The ribs may be removed from the breasts, and the breasts may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "chicken breasts." Neck skin shall not be included.

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breastbone to make approximately two halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breasts with ribs." Neck skin shall not be included.

(3) "Wishbones" (Pulley Bones), with covering muscle and skin tissue, shall be severed from the breast approximately halfway between the end of the wishbone (hypocledium) and front point of the breastbone (cranial process of the sternal crest) to a point where the wishbone joins the shoulder. Neck skin shall not be included.

(4) "Drumsticks" shall be separated from the thigh by a cut through the knee joint (femorotibial and patellar joint) and from the hock joint (tarsal joint).

(5) "Thighs" shall be disjointed at the hip joint and may include the pelvic meat but shall not include the pelvic bones. Back skin shall not be included.

(6) "Legs" shall include the whole leg, i.e., the thigh and the drumstick, whether jointed or disjointed. Back skin shall not be included.

(7) "Wings" shall include the entire wing with all muscle and skin tissue intact, except that the wing tip may be removed.

(8) "Backs" shall include the pelvic bones and all the vertebrae posterior to the shoulder joint. The meat shall not be peeled from the pelvic bones. The vertebral ribs and/or scapula may be removed or included. Skin shall be substantially intact.

(9) "Halves" shall be prepared by making a full-length back and breast split of the carcass so as to produce approximately equal right and left sides.

(10) "Quarters" shall be prepared by splitting the carcass as specified in subparagraph (9) of this paragraph and the resulting halves shall be cut crosswise at almost right angles to the backbone so as to form quarters.

16. Delete §§ 70.353 through 70.367 and insert in lieu thereof:

STANDARDS FOR QUALITY OF DRESSED AND READY-TO-COOK POULTRY

§ 70.353 A Quality.

(a) *Conformation.* The carcass or part is free of deformities that detract from its appearance or that affect the normal distribution of flesh. Slight deformities such as slightly curved or dented breastbones and slightly curved backs may be present.

(b) *Fleshing.* The carcass or part has a well-developed covering of flesh. The breast is moderately long and deep and has sufficient flesh to give it a rounded appearance with the flesh carrying well up to the crest of the breastbone along its entire length.

(c) *Fat covering.* The carcass or part, considering the kind, class and part, has a well-developed layer of fat in the skin. The fat is well distributed so that there is a noticeable amount of fat in the skin in the areas between the heavy feather tracts.

(d) *Defeathering.* The carcass or part has a clean appearance, especially on the breast. The carcass or part is free of pinfeathers, diminutive feathers, and hair which are visible to the inspector or grader.

(e) *Cuts, tears and missing skin.* Parts are free of cuts, tears and missing skin (other than slight trimming on the edge). The carcass is free of these defects on the breast and legs. Elsewhere the carcass may have slight cuts, tears, or missing skin areas providing the aggregate of the areas of flesh exposed thereby does not exceed the area of a circle of the following diameter, respectively: (1) On chickens, ducks, guineas and pigeons, 1½ inches; (2) on turkeys and geese, 3 inches.

(f) *Disjointed and broken bones and missing parts.* Parts are free of broken bones. The carcass is free of broken bones and has not more than one disjointed bone. The wing tips may be removed at the joint and the tail may be removed at the base. Cartilage separated from the breastbone is not considered as a disjointed or broken bone.

(g) *Discolorations of the skin and flesh.* The carcass or part is practically free of such defects. Discoloration due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding, such as more than an occasional slightly reddened feather follicle, is not permitted. Flesh bruises and discolorations of the skin such as "blue back" are not permitted on the breast or legs of the carcass or on these individual parts and only lightly shaded discolorations are permitted elsewhere. The total areas affected by flesh bruises, skin bruises and discolorations such as "blue back" singly or in any combination shall not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations on a part shall not exceed that of a circle ¼ inch in diameter. The aggregate area of all discolorations on the breast and legs of a carcass shall not exceed the area of a circle 1 inch in diameter for chickens, ducks, guineas and pigeons and 2 inches for turkeys and geese. Elsewhere on the carcass the aggregate area of all discolorations shall not exceed that of a circle having a diameter of 2 and 3 inches respectively.

(h) *Freezer burn.* The carcass or part may have an occasional pockmark due to drying of the inner layer of skin (derma), provided that none exceed the area of a circle ⅛ inch in diameter on chickens, guineas, ducks and pigeons, or ¼ inch on turkeys and geese.

§ 70.354 B Quality.

(a) *Conformation.* The carcass or part may have slight abnormalities, such as a dented, curved or crooked breast, crooked back, or misshapen legs or wings which do not materially affect the distribution of flesh or the appearance of the carcass or part.

(b) *Fleshing.* The carcass or part has a moderate covering of flesh considering the kind, class and part of the bird. The breast has a substantial covering of flesh with the flesh carrying up to the crest of the breastbone sufficiently to prevent a thin appearance.

(c) *Fat covering.* The carcass or part has sufficient fat in the skin to prevent a distinct appearance of the flesh through the skin, especially on the breast and legs.

(d) *Defeathering.* The carcass or part may have a few nonprotruding pinfeathers or vestigial feathers which are scattered sufficiently so as not to appear numerous. Not more than an occasional protruding pinfeather or diminutive feather shall be in evidence under a careful examination.

(e) *Cuts, tears and missing skin.* Parts may have cuts, tears and missing skin, provided that not more than a moderate amount of the flesh normally covered by skin is exposed. The carcass may have cuts, tears and missing skin, provided that the aggregate of the areas of flesh exposed thereby on the breast and legs does not exceed the area of a circle of the following diameters, respectively: (1) On chickens, ducks, guineas and pigeons, 1½ inches; (2) on turkeys and geese, 3 inches. Elsewhere on the carcass the aggregate area of flesh exposed shall not be greater than the area of a circle having the following diameters, respectively: (i) on chickens, ducks, guineas, and pigeons, 3 inches; (ii) on turkeys and geese, 6 inches.

(f) *Disjointed and broken bones and missing parts.* Parts may be disjointed but are free of broken bones. The carcass may have two disjointed bones or one disjointed bone and one nonprotruding broken bone. Parts of the wing beyond the second joint may be removed at a joint. The tail may be removed at the base.

(g) *Discolorations of the skin and flesh.* The carcass or part is free of serious defects. Discoloration due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding shall be no more than very slight. Moderate areas of discoloration due to bruises in the skin or flesh and moderately shaded discoloration of the skin such as "blue back" are permitted, but the total areas affected by such discolorations singly or in any combination may not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations on a part shall not exceed the area of a circle having a diameter of 1 inch for chickens, ducks, guineas and pigeons and 1½ inches for turkeys and geese. The aggregate area of all discolorations on the breast and legs of a carcass shall not exceed that of a circle having a diameter of 2 inches on chickens, ducks, guineas and pigeons and 3 inches on turkeys and geese. Elsewhere on the carcass the aggregate area of all discolorations shall not exceed that of a circle having a diameter of 4 inches and 6 inches respectively.

(h) *Freezer burn.* The carcass or part may have a few pockmarks due to drying of the inner layer of skin (derma), provided that no single area exceeds that of a circle ½ inch. in diameter.

§ 70.355 C Quality.

(a) A part that does not meet the requirements for A or B Quality may be of C Quality if the flesh is substantially intact.

(b) A carcass that does not meet the requirements for A or B Quality may be of C Quality. Both wings may be removed or neatly trimmed. Trimming of the breast and legs is permitted, but not to the extent that the normal meat yield is materially affected.

United States Consumer Grades for Ready-to-Cook Poultry

GENERAL

§ 70.356 General.

(a) The United States consumer grades for ready-to-cook poultry are applicable to poultry of the kinds and classes set forth in §§ 70.300 to 70.306, when each carcass or part has been graded by a grader in accordance with § 70.30 on an individual basis.

(b) All terms in the United States standards for quality set forth in §§ 70.350 to 70.355 shall when used in §§ 70.356 to 70.359 have the same meaning as when used in said standards.

GRADES

§ 70.357 U.S. Grade A.

A lot of ready-to-cook poultry or parts consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for A Quality, may be designated as U.S. Grade A.

§ 70.358 U.S. Grade B.

A lot of ready-to-cook poultry or parts consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for B Quality or better, may be designated as U.S. Grade B.

§ 70.359 U.S. Grade C.

A lot of ready-to-cook poultry or parts consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for C Quality or better, may be designated as U.S. Grade C.

United States Wholesale Grades for Dressed Poultry and Ready-To-Cook Poultry

GENERAL

§ 70.360 General.

(a) The United States wholesale grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306 when graded as a lot by a grader in accordance with § 70.30 on the basis of an examination of each carcass in a representative sample thereof and are based upon the United States standards for quality set forth in §§ 70.350 to 70.355.

(b) When any lot of dressed poultry is so graded any carcass having any of the following conditions will for the purpose of § 70.360 to § 70.363 be considered as "No Grade": Dirty or bloody head or carcass, dirty feet or vent, fan feathers, neck feathers, garter feathers, or feed in the crop. A sample which contains "No Grade" birds for any reason shall not have a U.S. Grade assigned to it. Certificates issued will show the percentage of qualities and "No Grade," and describe the condition of "No Grade" birds.

(c) All terms in the United States standards for quality set forth in

§§ 70.350 to 70.355 shall, when used in §§ 70.360 to 70.363, have the same meaning as when used in said standards.

GRADES

§ 70.361 U.S. Extras.

Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U.S. Extras if not less than 90 percent, by count, of the carcasses in such lot are of A Quality, and the remainder is of B Quality.

§ 70.362 U.S. Standards.

Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U.S. Standards if not less than 90 percent, by count, of the carcasses in such lot are of at least B Quality, and the remainder is of C Quality.

§ 70.363 U.S. Trades.

Any lot of dressed poultry or ready-to-cook poultry may be designated as U.S. Trades if it consists of carcasses of not less than C Quality.

UNITED STATES PROCUREMENT GRADES FOR READY-TO-COOK POULTRY

GENERAL

§ 70.364 General.

(a) The United States Procurement Grades for ready-to-cook poultry are applicable to ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306, graded as a lot by a grader in accordance with § 70.30.

(b) All terms in the United States standards for quality set forth in §§ 70.350 to 70.355 shall when used in §§ 70.364 to 70.366 have the same meaning as when used in said standards.

GRADES

§ 70.365 U.S. Procurement Grade I.

Any lot of ready-to-cook poultry composed of one or more carcasses of the same kind and class may be designated and identified as U.S. Procurement Grade I when: (a) 90 percent or more of the carcasses in such lot meet the requirements of A Quality, with the following exceptions: (1) Fat covering and conformation may be as described in this subpart for B Quality; (2) trimming of skin and flesh to remove defects is permitted to the extent that not more than ¼ of the flesh is exposed on any part and the meat yield of any part is not appreciably affected; (3) the wings or parts of wings may be removed if severed at a joint, and the tail may be removed at the base.

(b) The balance of the carcasses meet the same requirements, except they may have only a moderate covering of flesh.

§ 70.366 U.S. Procurement Grade II.

Any lot of ready-to-cook poultry of the same kind and class which fails to meet the requirements of U.S. Procurement Grade I may be designated and identified as U.S. Procurement Grade II provided that (a) trimming of flesh from any part does not exceed 10 percent of the meat; (b) portions of a carcass weighing not less than one-half of the whole carcass may be included if the portion approximates in percentage the meat to bone yield of the whole carcass.

§ 70.381 [Amendment]

17. Change § 70.381 so that the present wording becomes paragraph (a) and add a new paragraph (b) to read:

(b) The outline or shape of a shield in the form illustrated in figures 1 and 2 with or without the letters USDA or other information shall be the official identification symbol for the purposes of this part and when used, imitated, or simulated in any manner in connection with poultry shall be deemed to constitute a representation that the product has been officially graded for the purposes of § 70.2.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

The foregoing amendments are substantially the same as the proposals set forth in the notice of rule-making. All of the differences are due to nonsubstantial changes made for clarification or simplification. It does not appear that further public rule-making procedure would make additional information available to this Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice and other public rule-making procedure on the amendments are unnecessary and impracticable.

Issued at Washington, D.C., this 25th day of May 1960, to become effective July 1, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-4849; Filed, May 27, 1960; 8:51 a.m.]

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

The regulations governing the inspection of poultry and poultry products (7 CFR Part 81, as amended) are further amended as hereinafter set forth pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.).

The amendment reduces the hourly rate for overtime and holiday inspection service from $5.40 to $5.00 and makes other minor changes in the holiday inspection program.

The amendment is as follows:

1. In § 81.170 of said regulations, delete "$5.40" and insert in lieu thereof "$5.00".

2. Change § 81.171 (a) and (b) to read:

(a) When an official establishment requires inspection service on a holiday, such service is considered holiday work. The official establishment shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Secretary therefor at the rate of $5.00 per hour. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

(b) Holidays for Federal employees shall be the 1st day of January, 22d of February, 30th day of May, 4th day of July, 1st Monday of September, 11th day of November, 4th Thursday of November, 25th day of December, and any other calendar day designated as a holiday by Federal statute or executive order. When any of the above listed holidays fall on a scheduled workday, that day becomes a holiday, except that when an approved operating schedule encompasses both Sunday and Monday, Monday is treated as the holiday when the holiday falls on Sunday. When a holiday falls on scheduled nonworkdays the following rules apply:

(1) When a holiday falls on Sunday or a day designated in lieu of Sunday, the next scheduled workday is the holiday. When the approved operating schedule does not include Labor Day or Thanksgiving Day the next scheduled workday becomes the holiday;

(2) When a holiday falls on Saturday or any other scheduled nonworkday (other than those nonworkdays stated in 1 above) the preceding scheduled workday will become a holiday.

3. In § 81.172 of said regulations, delete "$5.40" and insert in lieu thereof "$5.00".

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463; 19 F.R. 74, as amended)

The cost of overtime and holiday inspection is required by the Poultry Products Inspection Act to be paid for by applicants for inspection under the Act. The facts upon which the determinations with respect to charges necessary to cover overtime and holiday inspection costs are not available to the industry, but are peculiarly within the knowledge of the Department. The foregoing changes in the regulations are of a minor nature and are relieving restrictions and additional time is not required to comply with these amendments. In order to be of maximum benefit to the affected industry they should be made effective as soon as possible. Therefore under Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that publication of a notice and public participation in rule-making procedure with respect to the foregoing amendments would be impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 25th day of May 1960, to become effective on June 1, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-4850; Filed, May 27, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 199]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.499 Valencia Orange Regulation 199.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 26, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 29, 1960, and ending at 12:01 a.m., P.s.t., June 5, 1960, are hereby fixed as follows:

(i) District 1: 300,000 cartons;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 27, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-4951; Filed, May 27, 1960; 12:03 p.m.]

[Orange Reg. 373]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1013 Orange Regulation 373.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the bases of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 24, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., May 30, 1960, and ending at 12:01 a.m., e.s.t., June 13, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Bronze; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{14}/_{16}$ inches in diameter or smaller.

(3) During the period beginning at 12:01 a.m., e.s.t., June 13, 1960, and ending at 12:01 a.m., e.s.t., September 12,

1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box.

Shipments of Temple oranges, grown in the production area, are, until 12:01 a.m., e.s.t., July 31, 1960, subject to the provisions of Orange Regulation 370 (§ 933.1007; 25 F.R. 1936).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–4847; Filed, May 27, 1960; 8:50 a.m.]

[Grapefruit Reg. 325]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1014 Grapefruit Regulation 325.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 24, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., May 30, 1960, and ending at 12:01 a.m., e.s.t., August 15, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 1/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3 5/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–4846; Filed, May 27, 1960; 8:50 a.m.]

[Nectarine Order 4]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.320 Nectarine Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such

shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 6, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no handler shall handle any package or container of Early Sun Grand, Sun Grand, Star Grand I, Star Grand II, Red King, Sun Flame, or Grand Prize nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-eighth (2⅛) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–4828; Filed, May 27, 1960; 8:48 a.m.]

[Lemon Reg. 848]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.955 **Lemon Regulation 848.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 24, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 29, 1960, and ending at 12:01 a.m., P.s.t., June 5, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–4911; Filed, May 27, 1960; 9:13 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 379; Amdt. 165]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

Several cases have occurred in which the swirl vane straightener clamp on Lockheed 188 Series aircraft has failed permitting rotation of the entire vane assembly. This condition causes severe vibration and affects operation of the engine. Since airworthiness of the aircraft may be affected, daily inspection of the swirl vane assembly and a one-time inspection of the engine mount must be accomplished.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly, an airworthiness directive was adopted on May 4, 1960, and made effective immediately as to all known operators of Lockheed Model 188 aircraft by individual telegrams dated May 4, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

LOCKHEED. Applies to all 188 Series aircraft.

Compliance required as indicated.

Due to several cases of swirl vane failure resulting in rotation of the swirl vane straightener assembly causing severe engine vibration the following interim procedures, checking the swirl vane straightener and clamp plus a one-time inspection of the engine mount, are required:

(a) Prior to dispatch from a terminal where inspection facilities are available disassemble, inspect, and reinstall the swirl vane assembly and clamp as follows:

(1) Assure that the antirotational dowel pins are undamaged and are properly mated with hole in engine flange.

(2) Assure that parts are not cracked or damaged.

(3) Install clamp and torque as specified in Electra Maintenance Manual, Chapter 71–1–0, Page 417.

Thereafter make a daily visual inspection of the clamp and straightener assembly. If any sign of looseness of the clamp, cracks, or failure of any part is found, the above procedures must be followed and parts replaced.

(b) Concurrent with the first inspection, a one-time engine mount inspection must be accomplished as follows:

(1) Inspect rear engine mount from left side looking forward.

(i) Check all bolts and nuts in mount and yoke and installation of cotter keys and lock wire. If nuts are not properly safetied retorque bolts (top bolt 290 to 410 inch-pounds and shoulder bolt 95 to 110 inch-pounds) and replace cotter keys and lock wire in accordance with approved maintenance procedures.

(ii) Check rear mount for sag of rubber beyond specified limits by inserting a 9/16-inch drill rod into inspection hole. If rod enters more than ¼ inch or does not hit

mount structure then sag is beyond limits and mount must be replaced.

(2) Inspect front engine mount. Check bolt attaching mount to engine case for proper safetying. If bolts are not properly safetied retorque bolt 480 to 690 inch-pounds and reinstall safety wire in accordance with approved maintenance procedures.

(3) After this one-time inspection of the engine mount in accordance with the above, inspection may resume the frequency normal to the operator's manual plan but not to exceed 300 hours.

(Lockheed Alert Bulletin Number 479 dated May 3, 1960, covers this subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated May 4, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 24, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-4802; Filed, May 27, 1960; 8:45 a.m.]

[Reg. Docket No. 331; Amdt. 166]

PART 507—AIRWORTHINESS DIRECTIVES

Sensenich M74DM Propellers

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of Sensenich M74DM propellers for cracked hubs, and immediate removal from service of the propeller if cracks are found was published in 25 F.R. 2906.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

SENSENICH. Applies to M74DM propellers installed on Lycoming O-320-B Series engines except propellers with an "A" prefix to the serial number.

Compliance required within the next 100 hours of flight time or by August 1, 1960, whichever comes first, and at each periodic inspection thereafter.

As a result of three incidents of cracked hubs, the following shall be accomplished:

(a) Remove the propeller and visually inspect for cracks originating in the pilot bore. In case of doubt, any of the approved methods for aluminum alloy inspections should be used. If cracks are found, the propeller shall be retired immediately from service.

(b) If no cracks are found, polish out any scratches in the bore and break and polish any sharp edges at the front and rear chamfer of the pilot bore.

(c) When the propeller is reinstalled, torque retaining bolts to 300 inch-pounds.

(Sensenich Service Bulletin No. R-8 covers this same subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 24, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-4803; Filed, May 27, 1960; 8:45 a.m.]

[Reg. Docket No. 408; Amdt. 164]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 700 Series Aircraft

A means to increase current inspection intervals required by airworthiness directive 58-10-9, Amendment 8, 23 F.R. 4726, is provided by this amendment. Investigation shows that both shotpeening and the large radius of blending required in the rework increase the life of the main landing gear oleo cylinders. It has also been determined that the magnetic particle inspection is an acceptable equivalent for the dye penetrant inspection now required. Therefore, Amendment 8 is being amended to provide for the additional procedures. Since it imposes no additional burden of compliance on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is amended as follows:

58-10-9, Amendment 8, Vickers Viscount 700 Series aircraft as it appeared in 23 F.R. 4726, amended by 23 F.R. 7482, Amendment 11, is further amended by:

1. Adding paragraphs (6) and (7) as follows:

(6) If no cracks are found during the initial inspection and the cylinder is shotpeened in accordance with PTL 191, Issue 3, the cylinder may be reinspected using dye penetrant or approved equivalent every 1,000 landings.

(7) Cylinders having a total length of cracks exceeding 3 inches but not greater than 5 inches, with the length of individual cracks not greater than 2½ inches and the depth of cracks not exceeding 0.050 inch, which have been reworked as follows may be reinspected using dye penetrant or FAA approved equivalent every 500 landings. Rework consists of:

(a) Blend out the crack using a radius of blending not less than 0.5 inch with the maximum depth of blending not to exceed 0.050 inch.

(b) Shotpeen the cylinder in accordance with PTL 191, Issue 3.

(c) Reprotect the reworked area with seaplane varnish or FAA approved equivalent.

2. Revising the final parenthetical paragraph to read:

(Vickers-Armstrongs PTL 191, Issues 2 and 3, and Modification D.2694 cover this subject.)

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 24, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-4804; Filed, May 27, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-75]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Area Extension and Modification of Control Zone

On February 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1492) stating that the Federal Aviation Agency proposed to designate a control area extension and to modify the existing control zone at Peoria, Ill.

The Aircraft Owners and Pilots Association concurred in the designation of the southeast extension to the Peoria control zone as proposed in the notice, but objected to the existing control zone extensions. The Federal Aviation Agency has reviewed the existing extensions to the north and west and has determined that these extensions are required in order to provide protection for aircraft conducting instrument approaches.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the notice, Part 601 (24 F.R. 10530) and § 601.2119 (24 F.R. 10577) are amended as follows:

1. Section 601.1482 is added to read:

§ 601.1482 Control area extension (Peoria, Ill.).

The airspace within a 25-mile radius of the geographical center of the Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.).

2. Section 601.2119 is amended to read:

§ 601.2119 Peoria, Ill., control zone.

Within a 5-mile radius of the geographical center of the Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.), within 2 miles either side of the N course of the Peoria RR extending from the 5-mile radius zone to a point 12 miles N of the RR; within 2 miles either side of the Peoria VORTAC 102° True and 282° True radials extending from the 5-mile radius zone to a point 12 miles W of the VORTAC; and within 2 miles either side of the Greater Peoria

Airport ILS localizer SE course extending from the 5-mile radius zone to the OM.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 23, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4805; Filed, May 27, 1960; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.]

[Amdt. 36][1]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Miscellaneous Amendments

1. Part 370 *Scope of export control by Department of Commerce* is amended in the following particulars:

§ 370.3a [Redesignation]

a. Section 370.3a *Unauthorized disposition of foreign excess personal property purchased from the United States Armed Forces in foreign countries* is redesignated as § 370.4, and §§ 370.4 to 370.9 are redesignated §§ 370.5 to 370.10 respectively.

§ 370.5 [Amendment]

b. Section 370.5 *Exportations authorized by government agencies other than Bureau of Foreign Commerce* is amended by revising paragraph (a) *Arms, ammunition, and implements of war* to read as follows and adding a new paragraph (g) *Tobacco seed and plants* to read as follows:

(a) *Arms, ammunition, and implements of war.*[2][3] Regulations promulgated by the Secretary of State under the authority of section 414 of the Mutual Security Act of 1954 (68 Stat. 848) shall govern the exportation of arms, ammunition, and implements of war.

NOTE: 1. Regulations concerning the exportation of arms, ammunition, and implements of war are published in the document International Traffic in Arms. Copies of this publication are furnished by the Department of State upon request.

2. An application to export any of the following articles,[4] which are listed in the United States Munitions List (Chapter I, Title 22, CFR, Parts 121 to 128) should be made on the license form obtainable from the Department of State.

3. Any inquiries as to the applicability of the provisions of Parts 121 to 128 of Chapter I, Title 22, CFR, to certain articles or commodities, application forms and procedure, or other matters relative to arms, ammunition, and implements of war should be addressed to the Office of Munitions Control, Department of State, Washington 25, D.C.

CATEGORY I—FIREARMS

(a) Non-automatic and semi-automatic firearms, calibers .22 to .50 inclusive, except those using only caliber .22 rim-fire ammunition. Barrels, cylinders and complete breech mechanisms therefor.

(b) Automatic firearms and all components and parts therefor, calibers .22 to .50 inclusive.

(c) Firearms silencers.

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns over caliber .50, howitzers, mortars and recoilless rifles.

(b) Military flame throwers and projectors.

(c) Components and parts including, but not limited to mounts and carriages for the articles in paragraphs (a) and (b) of this Category.

CATEGORY III—AMMUNITION

(a) Ammunition for the arms in Categories I and II of this Section except caliber .22 rim-fire ammunition.

(b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuzes and components therefor, primers, and other detonating devices for such ammunition.

(c) Ammunition belting and linking machines.

CATEGORY IV—BOMBS, GUIDED MISSILES, ROCKETS, TORPEDOES, AND MINES

(a) Bombs, grenades, rockets, guided missiles, torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps.

(b) Apparatus and devices for the handling, control, activation, detection, discharge or detonation of the articles in paragraph (a) of this Category.

(c) Missile powerplants.

(d) Military explosives, excavating devices.

(e) All specifically designed components, parts, and associated equipment for the articles in this Category.

CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS

(a) Propellants for the articles in Categories III and IV of this Section.

(b) Military high explosives.

(c) Military fuel thickeners.

(d) Military pyrotechnics.

CATEGORY VI—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: Battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, minesweepers, and submarines.

(c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments and accessories specifically designed therefor.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components thereof.

CATEGORY VII—TANKS AND ORDNANCE VEHICLES

(a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with mountings for arms.

(b) Military tanks, tank recovery vehicles, half-tracks, and gun carriers.

(c) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.

(d) Amphibious vehicles.

(e) All specifically designed components, accessories and attachments, including military bridging for the articles in this Category.

CATEGORY VIII—AIRCRAFT AND ASSOCIATED EQUIPMENT

(a) Aircraft designed, modified or equipped for military purposes, including but not limited to the following: gunnery, bombing, rocket, or missile launching, electronic surveillance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, experimental aircraft, drones, lighter-than-air aircraft, and military helicopters.

(b) Military aircraft engines, other than reciprocating, specifically designed for the aircraft in paragraph (a) of this Category.

(c) Airborne equipment, including but not limited to JATO and airborne refueling equipment, specifically designed for use with the aircraft and engines of the types in paragraphs (a) and (b) of this Category.

(d) Aircraft launching equipment.

(e) Non-expansive balloons in excess of 3,000 cubic feet capacity.

(f) Components, parts, and associated equipment except propellers specifically designed for the articles in paragraphs (a) through (e) of this Category.

(g) Parachutes and complete canopies, harnesses and platforms, and electronic release mechanisms therefor.

CATEGORY IX—MILITARY TRAINING EQUIPMENT

(a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units; and military type link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.

(b) Components, parts, attachments and accessories specifically designed for the articles in paragraph (a) of this Category.

CATEGORY X—PROTECTIVE PERSONNEL EQUIPMENT

(a) Body armor, flak suits, and components and parts specifically designed therefor and military helmets.

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[1] This amendment was published in Current Export Bulletin 834, dated May 19, 1960.

[2] Arms, ammunition and implements of war must be mangled, crushed or cut beyond the possibility of restoration to their original identity, before they can be licensed by the Bureau of Foreign Commerce for export as scrap metal. (See § 399.2 of this chapter, Interpretation 12.)

[3] See § 399.3 of this chapter for Schedule B numbers covered by Department of State regulations.

[4] The term "article" shall mean any of the arms, ammunition and implements of war enumerated in the United States Munitions List.

(b) Partial pressure suits, pressurized breathing equipment, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft and missiles, catapults and cartridge actuated devices utilized in emergency escape of personnel from aircraft.

CATEGORY XI—MILITARY ELECTRONICS

(a) Electronic equipment bearing a military designation including radar, jamming, countermeasure, counter countermeasure, underwater sound, doppler and communications-electronic equipment.

(b) Components, parts, accessories and attachments specifically designed for use with the articles in (a) of this Category.

CATEGORY XII—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

(a) Fire control, gun and missile tracking and guidance systems infra-red and other night sighting equipment; range, position and height finders and spotting instruments, aiming devices (electronic, gyroscopic, optic, and acoustic), bomb sights, bombing computers, military television sighting units, inertial platforms, and periscopes for the articles of this Section.

(b) Inertial guidance systems, astro compasses, and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for the articles in paragraph (a) of this Category.

CATEGORY XIII—AUXILIARY MILITARY EQUIPMENT

(a) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(b) Cryptographic devices (encoding and decoding), and specifically designed components therefor.

(c) Self-contained diving and underwater swimming apparatus and components and accessories specifically designed therefor.

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to special paints, decoys and simulators; components, parts and accessories specifically designed therefor.

CATEGORY XIV—TOXICOLOGICAL AGENTS

(a) Chemical agents, including lung irritants, vesicants, lacrimators and tear gases, sternutators and irritant smokes, and nerve gases.

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(c) Equipment for the dissemination, detection and identification of, and defense against the articles in paragraphs (a) and (b) of this Category.

(d) Components, parts, attachments and accessories specifically designed for the articles in paragraph (c) of this Category.

CATEGORY XV—HELIUM GAS

Contained helium and admixtures thereof.

CATEGORY XVI—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

CATEGORY XVII—TECHNICAL DATA

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war.

* * * * *

(g) *Tobacco seed and plants.* The export regulations of the Department of Commerce shall not govern the exportation of any tobacco seed and/or live tobacco plants subject to the Tobacco Seed and Plant Exportation Act of June 5, 1940 (7 U.S.C. 516), and regulations promulgated thereunder, administered by the Administrator, Agricultural Marketing Service, Department of Agriculture.

2. Section 371.16 *General License GTF; Goods imported for trade fairs* is amended to read as follows:

§ 371.16 General License GTF; Goods imported for trade fairs.

A general license designated GTF is hereby established authorizing the exportation under the conditions set forth in paragraph (a) or (b) of this section, of commodities which were imported into the United States for exhibition at a trade or similar fair held in the United States and which were either entered under bond or permitted temporary free importation under bond providing for their exportation and which are being exported in accordance with the terms of such bond.

(a) *Return to country from which imported.* Such commodities may be returned to the country from which imported into the United States except to Communist China, North Korea or the Communist-controlled area of Viet-Nam.

(b) *Exportation to other destinations.* For exportations which are not being returned to the country from which imported, such commodities may be exported to any destination except:

(1) Where the commodities were imported into the United States pursuant to a United States Import Certificate, or

(2) Where the exportation from the United States will be made to Hong Kong, Macao, Poland (including Danzig) or to a Subgroup A destination.

NOTE: The provisions of this section do not prohibit the use of any other applicable general license for the exportation of commodities which were originally imported into the United States for exhibition at trade or similar fairs.

§ 371.18 [Amendment]

3. Section 371.18 *General License GLR; Return of certain commodities imported into the United States,* paragraph (a) *Commodities sent to the United States for inspection, testing, calibration or repair* is amended to read as follows:

(a) *Commodities sent to the United States for inspection, testing, calibration or repair.* (1) Any commodity which has been sent to the United States for inspection, testing, calibration or repair may be exported under this general license to the country from which it was sent, except as indicated in subparagraph (2) of this paragraph. The commodity returned may include replacement or rebuilt parts which are necessary to repair the commodity.

(2) The provisions of this paragraph do not apply to:

(i) Exportations to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination.

(ii) Commodities disposed of by United States Government agencies under foreign excess property disposal programs.

4. Section 371.25 *General License GATS; Aircraft on temporary sojourn* is amended to read as follows:

§ 371.25 General License GATS; Aircraft on temporary sojourn.[5]

A general license designated GATS is hereby established authorizing the departure from the United States, under the conditions set forth below, of foreign registry civil aircraft on temporary sojourn in the United States and of United States civil aircraft for temporary sojourn abroad.

(a) *Foreign registered aircraft.* An operating civil aircraft of foreign registry which has been in the United States on a temporary sojourn may depart from the United States under its own power for any destination except Poland (including Danzig) or a destination in Subgroup A, provided that the aircraft has not been sold or disposed of while in the United States, and provided it does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency.

(b) *United States registered aircraft.* An operating civil aircraft of United States registry may depart from the United States under its own power for a temporary sojourn abroad under the conditions set forth in subparagraphs (1) and (2) of this paragraph.

(1) A United States operating civil aircraft may depart from the United States under its own power for any destination except Poland (including Danzig) or a destination in Subgroup A, provided that:

(i) The aircraft does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a United States licensed pilot (except on demonstration flights) while abroad;

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Bureau of Foreign Commerce.

(v) The aircraft's United States registration will not be changed while abroad.

(2) Where it is decided that the aircraft or any of its equipment, parts, accessories or components will be sold or leased abroad, or is not to be returned to the United States for any other reason, request shall be made to the Bureau of Foreign Commerce for authorization of such disposition.

(i) The request shall be by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for non-return to the United States, the country in which the aircraft will be registered, the commodity description, Schedule B number of the commodity, value and quantity, as

[5] Also see § 371.15(a), General License GLC.

well as the name and address and identity of each party to the proposed transaction. In addition the request shall be accompanied by all documents which would be required in support of an application for export license for shipment of the same commodity directly from the United States to the proposed destination.

(ii) If the request for authorization of non-return of the aircraft is approved, the Bureau of Foreign Commerce will stamp the letter of request with the validation stamp of the Department of Commerce and return one validated copy to the applicant. Where the request is not approved by the Bureau of Foreign Commerce, the applicant will be advised by letter.

NOTE: 1. *Declaration not required on departure.* A shipper's export declaration form need not be submitted to the Collector of Customs whenever an operating civil aircraft departs from the United States under the provisions of General License GATS.

2. *Declaration required on non-return to the United States.* Where the Bureau of Foreign Commerce approves the nonreturn to the United States of a United States registered aircraft and the aircraft is disposed of abroad, the required shipper's export declaration may be submitted to a Collector of Customs located at any port in the Customs District from which the aircraft departed.

3. *Aircraft licensed by the Department of State.* The provisions of General License GATS do not apply to aircraft under licensing authority of the Department of State. These aircraft are described on the United States Munitions List. The departure of such aircraft must be in all cases comply with the export regulations of the Department of State.

5. Part 371 *General licenses* is amended by adding a new § 371.26 to read as follows:

§ 371.26 General License GMS; Shipments under the Mutual Security Act.

(a) A general license designated GMS is hereby established authorizing the exportation of commodities sold by the Department of Defense to a foreign government, other than the government of a Subgroup A country or Poland (including Danzig), under the provisions of the Mutual Security Act of 1954, Public Law 665, 83d Congress, approved August 26, 1954 (68 Stat. 832), as amended. In addition to entering the symbol GMS on the shipper's export declaration (see § 371.2 (b)), the MSMS (Mutual Security Military Sales) case number assigned by the Department of Defense to the transaction shall be entered on the declaration.

(b) The following completed destination control statement is required on each copy of the shipper's export declaration, bill of lading, and invoice covering a shipment under this General License GMS.

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

(c) The alternative forms of the destination control statement set forth in § 379.10(c)(1)(ii) and (iii) of this chapter are not applicable to such shipments and will not be accepted.

§ 373.2 [Amendment]

6. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery,* paragraph (a)(1)(i) *Commodities* and paragraph (h) *Relationship to ultimate consignee statements* are amended to read as follows:

(a) *Scope—General.* * * *

(i) *Commodities.* The commodities subject to the provisions of paragraph (d) of this section, "Submission of Import Certificate," are those commodities on the Positive List of Commodities (§ 399.1 of this chapter) that are identified by the symbol "A" in the column headed "Commodity Lists." (See paragraph (h)(2) of this section for commodities from which the symbol "A" is deleted after the Import Certificate has been submitted.)

* * * * *

(h) *Relationship to ultimate consignee statements*—(1) *Where Import Certificate required.* The requirement for submission of consignee/purchaser statements specified in § 373.65 shall not be applicable wherever Import Certificates are submitted pursuant to the requirements of this section.

(2) *Where Import Certificate not required.* (i) Where an Import Certificate is not specifically required by the provisions of this section, an exportation to a country listed in paragraph (a)(1)(ii) of this section is subject to the requirement for submission of a consignee/purchaser statement as specified in § 373.65, and an Import Certificate may not be substituted for that statement.

(ii) In any case where the symbol "A" is deleted from a Positive List entry, the commodities covered by that entry are removed from the Import Certificate and Delivery Verification requirements of this section. Neither a new Import Certificate nor an Import Certificate previously submitted to the Bureau of Foreign Commerce will be accepted in lieu of the required consignee/purchaser statement in support of an export license application which is submitted to the Bureau of Foreign Commerce after the deletion of the symbol "A".

§ 373.3 [Amendment]

7. Section 373.3 *Statement by foreign importer of aircraft or vessel repair parts* is amended in the following particulars:

a. Paragraph (a) *Definitions* is amended to read as follows:

(a) *Definitions*—(1) *Foreign importer of aircraft or vessel repair parts.* As used in this section, the term "Foreign Importer of Aircraft or Vessel Repair Parts" means a person or firm which is located in any foreign country except Poland (including Danzig) or a Subgroup A country and which is either (i) engaged in the repair, maintenance or servicing of aircraft or vessels, either exclusively or as part of a related business; or (ii) engaged in supplying United States origin parts, accessories, equipment, or components directly to aircraft or vessels for use on such aircraft or vessels, either exclusively or as part of a related business. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard provided that he is engaged in one of the activities set forth in this procedure.

(2) *Station number.* As used in this section, a Station Number is that number assigned by the Bureau of Foreign Commerce on Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, to an approved foreign importer of aircraft or vessel repair parts.

NOTE: 1. *Examples of qualifying foreign businesses.* The following examples illustrate the types of foreign businesses which may qualify under the procedure set forth in this section: (a) the foreign importer may be in the business of repairing vessels or aircraft and, as part of this business, he uses United States origin parts to accomplish the repair, or (b) the foreign importer may be in the business of repairing vessels or aircraft, and, in addition to using United States origin parts in such repair he also sells United States origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft, or (c) the foreign importer may not be in the vessel or aircraft repair business but does sell United States origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft.

2. *Examples of non-qualifying foreign businesses.* The procedure set forth in this section does not apply to a foreign importer who imports United States origin commodities for general resale (including resale to repairmen) or for reexportation of the commodities in the form received; nor does it apply to a foreign importer whose normal business is the repair of components for aircraft or vessels, e.g., engines, radar, etc., unless the foreign importer installs the components on or returns them to the vessel or aircraft for use on such vessel or aircraft.

3. *Foreign importers engaged in both qualifying and non-qualifying types of businesses.* In some instances a foreign importer may be engaged in several types of businesses but not all of them may qualify under the procedure set forth in this section. For example, the importer may be engaged in repairing aircraft or vessels, as well as in selling commodities to other repairmen, or in reexporting the commodities to other countries. The fact that the importer is engaged in these several types of businesses does not preclude him from qualifying under this procedure with respect to United States origin commodities which are used by him in the repair, maintenance or servicing of vessels or aircraft. However, with respect to commodities which the importer purchases in the United States for end uses not authorized under this procedure both the importer and the exporter must meet the standard documentation and reexportation provisions of the export regulations.

b. The following note is added at the end of paragraph (d):

NOTE: The approval of a foreign importer under the procedure set forth in this section does not eliminate the requirement that a United States exporter must submit an application for export license and obtain a validated export license before making shipment, where so required by the export regulations.

§ 379.10 [Amendment]

8. Section 379.10 *Destination control* is amended in the following particulars:

a. The introductory paragraph of paragraph (c) *Statement regarding ultimate destination on Declaration, bill of lading, and commercial invoice,* and

subparagraph (1) are amended to read as follows:

(c) *Statement regarding ultimate destination on Declaration, bill of lading, and commercial invoice.* The provisions of this paragraph apply to a shipment made under a general license where a Declaration is required to be presented to the Collector of Customs, except for General Licenses BAGGAGE, TOOLS OF TRADE, GIT, G-PUB, GTDP and GTDS, or to a shipment made under a validated license.

NOTE: The provisions of this paragraph are inapplicable to shipments intended for consumption in Canada, since these exportations to Canada require neither a validated nor a general license. However, these provisions are applicable to shipments through Canada to other foreign countries.

(1) An appropriate destination control statement shall be entered on all copies of the Declaration [6,7] presented for authentication to the Collector of Customs, in accordance with the provisions set forth below, for all shipments subject to the provisions of this paragraph.

(i) The following statement shall be entered on the Declaration covering an exportation under either a validated or general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, G-PUB, GTDP, or GTDS, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration; unless, instead of this statement an appropriate statement as provided in subdivision (ii) or (iii) of this subparagraph has been entered.

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities; however, the reexportation provisions of the export regulations (§§ 371.4 and 372.12 of this chapter) would permit the reexportation. Where this occurs, and permission to distribute or resell is requested by the foreign importer or any other party in possession of the commodities, the exporter, without obtaining written approval of the Bureau of Foreign Commerce, may inform the foreign importer or other party that distribution or resale may be made in accordance with the reexportation provisions where applicable. In all other instances, written approval shall be obtained from the Bureau of Foreign Commerce.

[6] Where the country of ultimate destination is Viet-Nam, the destination control statement shall be filled in as required by § 373.68, regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

[7] Where the country of ultimate destination shown on a Shipper's Export Declaration is either United Arab Republic (Egypt Region) or United Arab Republic (Syria Region), any of the following appropriate designations may be used in the destination control statement: Egypt, Syria, United Arab Republic, United Arab Republic (Egypt Region), or United Arab Republic (Syria Region).

(ii) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below, except where the shipment is made under General License GMS:

These commodities licensed by the United States for ultimate destination ---------- and for distribution or resale in ----------. Diversion contrary to the United States law prohibited.

(*a*) If the exportation is made under a general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GMS, G-PUB, GTDP, or GTDS, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet-Nam and Laos [8] unless otherwise authorized by the United States." Where commodities listed in § 371.52, "Commodities Destined to Poland (including Danzig) Which Are Excepted from General License GRO," are exported to any destination under any general license, other than GIT, the destination control statement shall be changed to add Poland and Danzig to the list of excepted destinations.

(*b*) Where a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" or "Macao" may be deleted from the insertion in the last blank space of the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations included in the insertion in the last blank space of the above statement, the excepted destination may be deleted from the insertion in the last blank space provided that § 371.4(b) of this chapter permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement.

(*c*) If the exportation is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The note following the destination control statement set forth in § 379.10(c) (1) (i) is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (ii) is used.

[8] The words "and Laos" may be deleted at the exporter's discretion.

(iii) (*a*) Where a shipment is made under a general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GMS, G-PUB, GTDP, or GTDS, the following statement may be entered on the Declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph:

United States law prohibits disposition of these commodities to the Soviet bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos,[8] unless otherwise authorized by the United States.

(*b*) Where commodities listed in § 371.52, "Commodities Destined to Poland (including Danzig) Which Are Excepted from General License GRO," are exported to any destination under any general license, other than GIT, the destination control statement shown above shall be changed to add Poland and Danzig to the list of excepted destinations.

(*c*) If a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" or "Macao" may be deleted from the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations, the excepted destination may be deleted from the above statement provided that § 371.4(b) of this chapter permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement.

NOTE: The note following the destination control statement set forth in § 379.10(c) (1) (i) is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (iii) is used.

b. In the Interpretations following § 379.10(g), questions and answers numbers 1 and 2 are revised to read as follows:

1. Q. When is a destination control statement required on shipping documents?

A. A destination control statement is required on the Shipper's Export Declaration, on the bill of landing [9] and on the commercial invoice for any exportation under the jurisdiction of the Department of Commerce, where a Declaration is required, except intransit shipments under the authorization of General License GIT and shipments under General Licenses BAGGAGE, TOOLS OF TRADE, GTDP, GTDS, or G-PUB. Shipments intended for consumption in Canada are also exempted from the regulation. However, exportations from the United States moving

[9] As used in this question and answer series, the term "bill of lading" includes the air waybill and any other type of contract of carriage issued by a surface or air carrier in connection with an export transaction.

via Canada to other foreign destinations are subject to the regulation.

2. Q. Why is a destination control statement not required for shipments made under General Licenses BAGGAGE, TOOLS OF TRADE, GTDP, GTDS, and G-PUB?

A. Since shipments made under General Licenses BAGGAGE, TOOLS OF TRADE, GTDP, GTDS, and G-PUB are authorized for exportation and reexportation to all destinations under the provisions of these general licenses (see §§ 371.4, 371.11, 371.19 and 371.20 of this chapter), a destination control statement would be meaningless.

This amendment shall become effective as of May 19, 1960, except that items 2 and 3 shall become effective June 20, 1960.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 60-4832; Filed, May 27, 1960; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

PART 1—GENERAL PROCEDURES

Miscellaneous Amendments

The Commission announces the following changes in Part 1 of Chapter I of Title 16. All such changes to be effective as of date of publication in the FEDERAL REGISTER.

Subpart D—Investigations

Section 1.35 caption is amended to read as follows:

§ 1.35 Subpoenas in investigational hearings.

Subpart K—Injunctive and Condemnation Proceedings

Section 1.111 is amended to read as follows:

§ 1.111 Injunctions pending Commission action.

In those cases arising under section 12 of the Federal Trade Commission Act where the Commission has reason to believe that it would be of interest to the public, the Commission will apply to the courts for injunctive relief, pursuant to the authority granted in section 13 of the Act.

Section 1.112 is amended to read as follows:

§ 1.112 Court orders requiring obedience to orders to cease and desist pending review.

Where petition for review of an order to cease and desist has been filed in a United States Court of Appeals, the Commission may petition the court for an order requiring obedience to the order to cease and desist for the purpose of preventing injury to the public or competitors pendente lite.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: May 26, 1960.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-4863; Filed, May 27, 1960; 8:51 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55140]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Entry of Certain Shipments of Unconditionally or Conditionally Free Merchandise

The Bureau is informed that in one district customs Form 7523, Entry and Manifest of Merchandise Unconditionally Free of Duty, Carrier's Certificate and Release, is being used to enter conditionally free merchandise not exceeding $250 in value (except American goods returned and importations passed under customs Form 3297 or 3299 without other entry) when all conditions for free entry are met at the time of entry, that is, all documents required to establish exemption from duty or tax are deposited at the time entry is made. When customs Form 7523 is so used it is processed in the same manner as if the merchandise were unconditionally free with a saving of work in many cases.

To prescribe this procedure in the regulations so that it may be adopted in all districts where it may be used to advantage, §8.51a of the Customs Regulations is amended to read:

§ 8.51a Entry of certain shipments of unconditionally or conditionally free merchandise.

A shipment not exceeding $250 in value which is (a) unconditionally free of duty and not subject to any quota or internal-revenue tax, or (b) conditionally free and all conditions for free entry are met at the time of entry, may be released upon examination and identification by a customs officer and the filing by the importer of customs Form 7523, in duplicate, supported by evidence of the right to make entry; *Provided,* That this procedure shall not be followed in the case of American goods returned for the entry of which customs Form 3311 has been prescribed by section 10.1, returning residents' purchases for the clearance of which customs Form 3351 or 3419 has been prescribed by §§ 9.10 and 10.20 of this chapter, or effects and tools of trade released under customs Form 3297 or 3299 without other entry in accordance with § 10.20 of this chapter.

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a))

The word "unconditionally" in the title of customs Form 7523 will be deleted when the form is reprinted. In the meantime, the word "unconditionally" shall be struck out when the form is used for the entry of conditionally free merchandise.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: May 23, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-4830; Filed, May 27, 1960; 8:48 a.m.]

Title 20—EMPLOYEES BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Miscellaneous Amendments

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), §§ 345.12(d) and 345.13(e) (20 CFR 345.12(d) and 345.13(e)) of the regulations under such act are amended by Board Order 60-83, dated May 18, 1960, to read as follows:

§ 345.12 Adjustments.

* * * * *

(d) *Limitations on adjustments.* No overpayment shall be adjusted under this section after the expiration of three years from the time the contribution report was filed or two years from the time the contribution was paid, whichever of such periods expires the later, or if no return was filed, two years from the time the contribution was paid. No underpayment shall be adjusted under this section after the receipt from the Board of formal notice and demand for payment based upon an assessment, but the entire amount assessed shall be paid to the Board pursuant to such notice and demand.

§ 345.13 Refunds.

* * * * *

(e) *Time limit.* No refund shall be allowed after the expiration of 3 years from the time the contribution report was filed or 2 years from the time the contribution was paid, whichever of such periods expires the later, or if no return was filed, 2 years from the time the contribution was paid.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: May 23, 1960.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60-4815; Filed, May 27, 1960; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.434]

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM

Transportation

Section 61.4(a) is amended to read as follows:

(a) *Transportation.* First-class accommodations on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Standardized Government Travel Regulations. Upon determination by the Department that difficulties experienced in obtaining the services of well qualified grantees from certain countries warrants it, provision may be made for payment for the travel of one dependent member of the grantee's immediate family.

Section 61.7(a) is amended to read as follows:

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence while in a travel status. Per diem at the maximum rates allowable in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949, as amended unless otherwise specified. The participant shall be considered as remaining in a travel status during the entire period covered by his grant unless otherwise designated. Upon determination by the Department that difficulties experienced in obtaining the services of well qualified grantees for certain countries warrants it, provision may be made for payment for the travel of one dependent member of the grantee's immediate family.

LANE DWINELL,
Assistant Secretary for Administration.

MAY 18, 1960.

[F.R. Doc. 60-4819; Filed, May 27, 1960; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In Part 200 the pertinent headings in the Table of Contents are redesignated to read as follows:

Sec.
200.67 [Reserved]
200.69 Director of Personnel and Deputy.
200.70 Director of the Budget Division and Deputy.
200.71 Director of the General Services Division and Deputy.
200.72 Director of the Management Engineering Division.

Sections 200.70, 200.71 and 200.72 are redesignated as §§ 200.69, 200.70, and 200.71 respectively, and § 200.67 is redesignated as § 200.72.

Section 200.67 is designated as reserved.

Section 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Commissioner (Administration), the Deputy Commissioner (Operations), the Assistant Commissioner for Technical Standards, the General Counsel, and the Assistant Commissioner for Field Operations, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order.

Section 200.52 is amended to read as follows:

§ 200.52 Deputy Commissioner.

To the position of Deputy Commissioner and to each of them there is delegated the basic authority and functions to assist and to act with and for the Commissioner in the general administration of the Federal Housing Administration, in the determination of basic policy and in the general supervision, direction and coordination of all operations, activities and functions of the Federal Housing Administration, with full authority at all times to make any decision which the Commissioner is authorized to make and to issue any order which the Commissioner is authorized to issue.

In § 200.54 paragraph (d) is amended to read as follows:

§ 200.54 Assistant Commissioner for Field Operations and Deputy.

* * * * *

(d) To coordinate and have general supervision over the Zone Operations Commissioners responsible for program execution and activities in the field, and the Mortgagee Approval Section.

In § 200.64 paragraph (b) is amended to read as follows:

§ 200.64 Assistant Commissioner for Programs.

* * * * *

(b) To be responsible to the Commissioner for the coordination and general supervision of the Program Division and the Research and Statistics Division comprising the functions of coordination of the development and formulation for the approval of the Commissioner of basic programs and related policies and program planning and the appraisal of programs and program objectives, and the maintenance of a program of housing market analyses, housing statistics, advice and counsel on economic problems, conduct of actuarial studies, and the provision of a complete actuarial service for all insurance programs.

In § 200.68 paragraph (b) is amended to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(b) To be responsible to the Commissioner for a comprehensive program of administrative management and services; supervision and coordination of the Personnel Division, the Budget Division, the General Services Division, the Management Engineering Division, the Standards and Procedures Coordinator, and the Records Management Section, comprising all personnel policy, procedures and activities; organization structures and related matters; all budget activities; contracting, procurement and supply, printing, space management, library, and other office services; management surveys to improve service and efficiency; forms and records management; coordination and maintenance of the FHA Manual, directives, and other issuances and instructional material.

In the section redesignated as § 200.71 paragraphs (a) and (i) are amended to read as follows:

§ 200.71 Director of the General Services Division and Deputy.

* * * * *

(a) To be responsible for a program of general services, including contracting and procurement, rental and assignment of office space, telecommunications, printing and publication, administrative property control, mail and messenger, stenographic pool, travel service and library.

* * * * *

(i) To provide logistic, communications and other necessary services. Issues necessary Civil Defense identification for Headquarters and Field. Approves emergency relocation sites for Field Offices.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 28, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 807, 69 Stat. 651, as amended; sec. 907, 65 Stat. 301, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., May 24, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-4856; Filed, May 27, 1960; 8:51 a.m.]

Chapter III—Public Housing Administration, Housing and Home Finance Agency

CONFIRMATION OF ACTIONS

CROSS REFERENCE: For matter affecting this chapter, see F.R. Document 60-4808, Housing and Home Finance Agency, Public Housing Administration, in Notices Section, *infra.*

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 1 (AGE–1, Rev.)]

AGE–1—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

AGE–1 of this chapter is hereby revised as set forth below (a) by deleting section 3 *Addendum to GAA 3–19–51,* and incorporating the text thereof into paragraph (a) of section 2 *Service agreements,* and (b) by republishing section 1 *Definitions,* as amended, and section 2(c), *Berth Agency Agreement,* as section 2(b) without change in existing text:

Sec.
1 Definitions.
2 Service agreements.

AUTHORITY: Sections 1 and 2 issued under 49 Stat. 1987, as amended; 46 U.S.C. 1114. Interpret or apply 49 Stat. 2015, as amended, 60 Stat. 49, as amended; 46 U.S.C. 1242, 50 U.S.C., App. 1744.

SECTION 1. *Definitions*—(a) *General Agent.* A General Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to manage and conduct the business of vessels of which the United States is owner or owner pro hac vice.

(b) *Agent.* An Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to conduct the business of vessels of which the United States is time charterer.

(c) *Berth Agent.* A Berth Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to conduct the business of vessels (which have been assigned to an Agent or General Agent) in a specific service or trade.

(d) *Sub-Agent.* A Sub-Agent is any person, firm or corporation who is appointed by a General Agent, Agent or Berth Agent to perform any of the functions of a General Agent, Agent or Berth Agent.

(e) *Continental United States.* The "continental United States" as used in this order and other NSA orders shall be deemed to include the forty-eight States which were States of the United States of America on or before January 2, 1959, and the District of Columbia.

SEC. 2. *Service Agreements.* The standard forms of Service Agreements to be entered into by the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, with shipping companies, appointing them as General Agents to manage and conduct the business of vessels of which the United States is owner or owner pro hac vice, or as Berth Agents, shall be as follows:

(a) *General Agency Agreement.*

GAA 3–19–51
(Consolidated as of 5–60)
Contract MA-------

SERVICE AGREEMENT FOR VESSELS OF WHICH THE UNITED STATES REPRESENTED BY THE MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE IS OWNER OR OWNER PRO HAC VICE

This agreement, made as of ----------, 19--, between the United States of America (herein called the "United States") acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, and, ---------- a corporation organized and existing under the laws of ----------, (herein called the "General Agent"):

Witnesseth: That in consideration of the reciprocal undertakings and promises of the parties herein expressed:

ARTICLE 1. *Appointment of General Agent.* The United States appoints the General Agent as its agent and not as an independent contractor, to manage and conduct the business of vessels assigned to it by the United States from time to time and accepted by the General Agent.

ARTICLE 2. *Acceptance of appointment.* The General Agent accepts the appointment and undertakes and promises so to manage and conduct the business for the United States, in accordance with such directions, orders or regulations not inconsistent with this Agreement as the United States has prescribed, or from time to time may prescribe, and upon the terms and conditions herein provided, of such vessels as have been or may be by the United States assigned to and accepted by the General Agent for that purpose.

ARTICLE 3. *Duties of the General Agent.* For the account of the United States, in accordance with such directions, orders, regulations, forms and methods of supervision and inspection as the United States may from time to time prescribe (or in the absence of such directions, orders, regulations, forms and methods of supervision and inspection, in accordance with reasonable commercial practices and/or the use of customary commercial forms), in an economical and efficient manner, and exercising due diligence to protect and safeguard the interests of the United States in connection with the duties prescribed in this Agreement and without prejudice to its rights under Article 6 hereof, the General Agent (solely as agent of the United States and not in any other capacity) shall:

(a) Conduct the business of the vessels including, but not limited to, all matters with respect to voyages, cargoes, mail, passengers, persons to be carried, charters, rates of freight and charges; and procure or provide all services incident thereto including, but not limited to, stevedoring and other cargo handling, port activities, wharfage and dockage, pilotages, canal transits and services of sub-agents, brokers and consulates.

(b) Collect, deposit, remit, disburse and account for all monies due the United States arising in connection with activities under or pursuant to this Agreement, and to the extent disbursements made by the General Agent pursuant to this Agreement are recoverable from insurance, the General Agent shall take such steps as may be appropriate to effect such recovery for the account of the United States.

(c) Equip, victual, supply and arrange for the repair of the vessels covering hull, machinery, boilers, tackle, apparel, furniture, equipment and spare parts, and including maintenance and voyage repairs and replacements, as may be necessary to maintain the vessels in an efficient state of repair and condition; and cooperate with representatives of the United States in making any inspections or investigations that the United States may deem desirable.

(d) Procure the Master of the vessels operated hereunder, subject to the approval of the United States. The Master shall be an agent and employee of the United States, and shall have and exercise full control, responsibility and authority with respect to the manning, navigation and management of the vessel. The General Agent shall procure and make available to the Master for engagement by him the officers and men required by him to fill the complement of the vessel. Such officers and men shall be procured by the General Agent through the usual channels and in accordance with the customary practices of commercial operators and upon the terms and conditions of the General Agent's collective bargaining agreements, if any. The officers and members of the crew shall be subject only to the orders of the Master. All such persons shall be paid in the customary manner with funds provided by the United States hereunder.

(e) Issue or cause to be issued to passengers customary passenger tickets and to shippers customary shipping documents, freight contracts and bills of lading. All bills of lading shall be issued by the General Agent or its agents as agent for the Master and the signature clause may provide substantially that the General Agent makes no warranty or representation as to the authority of the United States or the Master to enter into the agreement, and that the General Agent assumes no liability with respect to the goods described therein or the transportation thereof.

(f) Furnish and maintain during the period that any vessel is assigned and accepted by the General Agent under this Agreement, at its own expense, a bond with sufficient surety in such amount as the United States shall determine such bond to be approved by the United States as to both sufficiency of surety or sureties and form, and to be conditioned upon the due and faithful performance of all and singular the covenants and agreements of the General Agent contained in this Agreement, including without limitation of the foregoing the condition faithfully to account to the United States for all funds collected and disbursed and funds and property received by the General Agent or its sub-agent. The General Agent may, in lieu of furnishing such bond, pledge direct or fully guaranteed obligations of the United States of the cash value of the penalty of the bond under an agreement satisfactory in form to the United States.

No monies or slop chest property of the United States shall be advanced or entrusted by the General Agent to a Master, purser or any other member of the ship's personnel unless such person is under a bond indemnifying the United States against loss of such monies or property caused solely or in part by the dishonesty or lack of care of any such person in the performance of the duties of any position covered by the bond.

(g) (1) Keep books, records and accounts (which shall be the property of the United States) relating to the activities, maintenance and business of the vessels covered by this Agreement in such form and under such regulations as may be prescribed by the United States; and (2) file, upon notice from the United States, balance sheets, profit and loss statements, and such other statements of activities, special reports, memoranda of any facts and transactions, which, in the opinion of the United States, affect the results, or the performance of transactions or activities, under this Agreement, and, whenever the General Agent employs any related, affiliated or holding company of the General Agent to render any services or to furnish any stores, supplies, equipment, provisions, materials or facilities which are for the account of the United States under the terms of this Agreement, the General Agent shall also, as a condition to such employment, obtain from such related or affiliated or holding company its agreement to comply with the requirements

aforesaid and to make available to the United States for examination and audit its books, records and accounts, to the extent that such services affect the results, or the performance of transactions or activities, under this Agreement.

(h) Select its sub-agents, but any sub-agency agreement shall be terminated by the General Agent whenever the United States shall so direct.

In the event that any vessel assigned to the General Agent under this Agreement is allocated by the United States for use—

(1) In a service in which another operator (a United States citizen) maintained a berth operation with privately owned United States flag vessels on June 25, 1950, and is recognized by the United States as a regular berth operator in such services, or

(2) In a trade, not served with privately owned United States flag vessels on June 25, 1950, or not served on the date of such allocation by a United States citizen who is deemed by the United States qualified to conduct an efficient berth operation, where the United States deems another operator to be qualified as an operator in such trade,

such regular or other operator, as the case may be, may be designated by the United States as the Berth Agent of the United States to conduct such of the business of the vessel in such service or trade as the United States may require.

During any period while any such vessel is assigned to a Berth Agent, the General Agent shall be under no obligation to perform with respect to such vessel duties which are imposed upon the Berth Agent under the terms of the Berth Agency Agreement prescribed by the United States.

(i) Upon termination of this Agreement, turn over to the United States at times and places to be fixed by the United States, all vessels and other property of whatsoever kind then in the custody of the General Agent pursuant to this Agreement, and upon such action the United States may collect directly, or by such agent or agents as it may appoint, all freight monies or other debts remaining unpaid, provided that the General Agent shall, if required by the United States, adjust, settle and liquidate the business of the vessels assigned hereunder.

ARTICLE 4. *Compensation.* At least once a month the United States shall pay to the General Agent compensation for the General Agent's services hereunder, and, after redelivery of the vessels assigned hereunder, shall also pay to the General Agent compensation for services required thereafter. All such compensation shall be in such fair and reasonable amount as the United States shall from time to time determine by National Shipping Authority Order. Such compensation shall be deemed to cover the General Agent's administrative and general expense (as presently itemized in General Order No. 22 of the Maritime Administration) and also fees to sub-agents, branch houses and customs brokers, charges for postage and petties, and communication expenses, in the continental United States, advertising expenses, taxes (other than taxes for which the General Agent is credited under Article 5 hereof), and any other expenses which are not directly applicable to the activities, maintenance and business of the vessels assigned hereunder.

ARTICLE 5. *Disbursements.* The United States shall advance funds to the General Agent to provide for, and the General Agent shall receive credit for all expenditures of every kind made by it in performing, procuring or supplying the services, facilities, stores, supplies or equipment as required hereunder, excepting the items of expense as are deemed to be covered by the compensation provided for in Article 4 hereof, provided that the General Agent shall receive credit for sales and similar taxes or foreign taxes of any kind to the extent classifiable as vessel operating expense under said General Order No. 22, if the General Agent shall have used due diligence to secure immunity from such taxation. The United States shall also advance funds to the General Agent to provide for, and the General Agent shall receive credit for, all crew expenditures accruing during the term hereof in connection with the vessels assigned hereunder, including, without limitation, expenditures on account of wages, extra compensation, overtime, bonuses, penalties, subsistence, repatriation, internment, travel, loss of personal effects, maintenance and cure, vacation allowances, damages or compensation for death or personal injury or illness, insurance premiums, Social Security taxes, state unemployment insurance taxes and contributions made by the General Agent to a pension or welfare fund with respect to the period of this Agreement and in accordance with a pension or welfare plan in effect on the effective date of this Agreement or which, pursuant to collective bargaining agreements, may become effective during the period of this Agreement with respect to the officers and members of the crew of said vessels who are or may become entitled to benefits under such plan, or any other payment required by law.

The United States may deny credit to the General Agent in whole or in part, as the United States may deem appropriate, for payment of expenses which are found to have been made in wilful contravention of any outstanding instructions or which are found to have been clearly improvident or excessive.

Any monies or slop chest property of the United States advanced or entrusted to bonded persons by the General Agent which are lost by reason of a casualty to the vessel on which the money so advanced or slop chest property so entrusted is carried shall in the event of such loss be considered an expenditure of the General Agent and credit shall be allowed to the General Agent in accordance with this Article 5.

ARTICLE 6. *Insurance and indemnification.* (a) The United States shall, without cost or expense to the General Agent, procure or provide insurance without deductibles, franchises or average warranties against all insurable risks of whatsoever nature or kind relating to the vessels assigned hereunder including, but without limitation, marine, war and P & I risks, sabotage and all other risks or liabilities for breach of statute and for damage caused to other vessels, persons or property.

The General Agent shall furnish reports and information and comply fully with all instructions that may be issued with regard to all salvage claims, damages, losses or other claims. Marine and war risk insurance with respect to each vessel assigned hereunder against protection and indemnity, general average, salvage and collision liabilities shall be without limit, as between the United States and the General Agent, as to the amount of any claim or the aggregate of any claims thereunder. The United States at its election may assume all or any of the foregoing risks or may write all or any such insurance in its own fund, pursuant to a duly executed policy or policies. Neither the United States nor the insurance underwriters shall have any right of subrogation against the General Agent with respect to any of the foregoing risks. All insurance hereunder shall cover both the United States and the General Agent, when acting hereunder or as sub-agent of another General Agent of the United States with respect to vessels assigned by the United States to such other General Agent.

(b) To the extent not covered by insurance or assumed by the United States, as required by this Article 6, the United States shall indemnify, and hold harmless and defend the General Agent against any and all claims and demands (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand be found to be valid) of whatsoever kind or nature whether or not such claim or damage is caused by the negligence of the General Agent or the vessel, and by whomsoever asserted, for injury to persons or property arising out of or in any way connected with the activities, maintenance or business of said vessels or the performance by the General Agent of any of its obligations hereunder, including, but not limited to, any and all claims and demands by passengers, troops, gun crews, crew members, shippers, third persons, or other vessels and including but not limited to claims for damages for injury to or loss of property, cargo or personal effects, claims for damages for personal injury or loss of life, and claims for maintenance and cure.

(c) In view of the extraordinary wartime or emergency conditions under which vessels will be operated hereunder, the General Agent shall be under no responsibility or liability to the United States for loss or damage to the vessels assigned hereunder arising out of any error of judgment or any negligence on the part of any of the General Agent's officers, employees, or otherwise. If, however, such loss or damage is directly and primarily caused by wilful misconduct of principal supervisory shoreside personnel or by gross negligence of the General Agent in the procurement of licensed officer or in the selection of principal supervisory shoreside personnel, the General Agent shall be held liable for such loss or damage unless it is required by this Article 6 to be covered by insurance or assumed by the United States. The liability of the General Agent under this paragraph (c) for any such loss or damage shall in no event exceed the sum of $500,000 in respect of any one vessel.

(d) The General Agent shall be under no liability to the United States of any kind or nature whatsoever in the event that the General Agent should fail to obtain officers or crews for the vessels assigned hereunder, or fail to arrange for the fitting out, refitting, maintenance or repair of said vessels, or fail to perform any other service hereunder by reason of any labor shortage, dispute or difficulty, or any strike or lockout or any shortage of material or any act of God or peril of the sea or any other cause beyond the control of the General Agent whether or not of the same or similar nature, or should do or fail to do any act in reliance upon instructions of military or naval authorities.

(e) Whenever the General Agent is performing any services of the nature set forth in this Agreement as sub-agent for another General Agent of the United States with respect to vessels assigned by the United States to such other General Agent, the provision of this Article 6 shall cover such sub-agency services.

ARTICLE 7. *General average.* In the event of general average involving vessels assigned to the General Agent under this Agreement, the General Agent shall comply fully with all instructions issued by the United States in that connection including instructions as to the appointment of adjuster, obtaining general average security and asserting liens for that purpose unless otherwise instructed, and supplying the adjuster with all disbursements, accounts, documents and data required in the adjustment, statement and settlement of the general average. Reasonable compensation for and general average allowances to the General Agent in such cases shall be fixed by the adjuster, subject to approval by the United States and paid to and retained by the General Agent.

ARTICLE 8. *Salvage.* Salvage claims for services rendered to vessels other than vessels owned or controlled by the United States shall be handled by, and be under the control of, the United States. Salvage awards for services rendered to other vessels owned or controlled by the United States including the vessels hereunder shall be made by the United States. The General Agent shall fur-

nish the United States with full reports and information on all salvage services rendered.

ARTICLE 9. *Related services.* (a) Agreements or arrangements with any interested or related company to render any service or to furnish any stores, supplies, equipment, materials, repairs, or facilities hereunder shall be submitted to the United States for approval. Unless and until such agreements or arrangements have been approved by the United States, compensation paid to any interested or related company shall be subject to review and readjustment by the United States. In connection with such review and readjustment, the United States may deny credit hereunder of any portion of such compensation which it deems to be in excess of fair and reasonable compensation. The United States may also deny credit, in whole or in part, of compensation under any arrangement or agreement with an interested or related company which it deems to be exorbitant, extortionate or fraudulent. The term "interested company" shall mean any person, firm or corporation in which the General Agent, or any related company of the General Agent, or any officer or director of the General Agent or any employee of the General Agent who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director, or employee, or any officer or director of any related company of the General Agent or any member of the immediate family of an officer or director of any related company of the General Agent, owns any substantial pecuniary interest directly or indirectly. The term "related company," used to indicate a relationship with the General Agent for the purposes of this Article only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the General Agent. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the General Agent (or related company), whether through ownership or voting securities, by contract or otherwise.

(b) The United States shall, when it may legally do so, have the advantage of any existing, or future, contracts of the General Agent for the purchase or rental of materials, fuel, supplies, facilities, services or equipment, if this may be done without unreasonably interfering with the requirements of other vessels owned or operated by the General Agent provided that any financial loss or disadvantage to the General Agent shall be compensated for in such amount as may be determined by the United States.

(c) Notwithstanding any other provision of this Agreement, the United States, by separate agreement, may contract with the General Agent to perform stevedoring, terminal, ship repair or similar services for the vessels assigned hereunder, in which event the General Agent shall have the rights, benefits and the obligations and responsibilities provided in such agreement.

ARTICLE 10. *Delegation of authority.* Wherever and whenever herein any right, power or authority is granted or given to the United States, such right, power or authority may be exercised in all cases by the National Shipping Authority or such agent or agents as the United States may appoint, and the act or acts of such agent or agents when taken, shall constitute the act of the United States hereunder. In performing its services hereunder, the General Agent may rely upon the instructions and directions of the Director, National Shipping Authority, his officers and responsible employees, or any person or agency authorized by him. Whereever practicable, instructions and directions to the General Agent shall be in writing and oral instructions or directions given shall be confirmed promptly in writing. No directions, orders or regulations shall have retroactive effect without the written consent of the General Agent.

ARTICLE 11. *Warranty against contingent fees.* The General Agent warrants that it has not employed any person to solicit or secure this Agreement upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the United States the right to annul this Agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage or contingent fee.

ARTICLE 12. *Nondiscrimination.* Neither the General Agent nor any sub-contractor of the General Agent, in performing any act under this Agreement or any sub-contract made hereunder, shall discriminate against any person on the ground of race, creed, color or national origin.

ARTICLE 13. *Members or delegates of Congress.* No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account shall hold or enjoy this Agreement in whole or in part, except as provided in section 206, Title 18, U.S.C. The General Agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

ARTICLE 14. *Right of Comptroller General to examine books and records.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the General Agent or any of its subcontractors engaged in the performance of and involving transactions related to this Agreement or any sub-contracts thereunder.

ARTICLE 15. *Termination.* (a) The United States shall have the right to terminate this Agreement at any time as to any or all vessels assigned to the General Agent and to assume control forthwith of any or all said vessels upon fifteen (15) days' written or telegraphic notice unless action is required at an earlier date to protect the interest of the United States.

(b) Upon giving to the United States thirty (30) days' written or telegraphic notice, the General Agent shall have the right to terminate this Agreement as to any or all vessels assigned to the General Agent, but unless otherwise agreed, termination by the General Agent shall not become effective as to any vessel until her arrival and discharge at a continental United States port.

(c) No such termination of this Agreement shall relieve either party of liability to the other in respect of matters arising prior to the date of such termination or of any obligation hereunder to indemnify the other party in respect of any claim or demand thereafter asserted, arising out of any matter done or omitted prior to the date of such termination.

(d) This Agreement may be terminated, modified or amended at any time by mutual consent.

ARTICLE 16. *Duration of agreement.* This Agreement is effective as of the day and year of the first acceptance by the General Agent of any vessel assigned hereunder and shall extend until terminated as herein elsewhere provided.

ARTICLE 17. *Assignment or transfer.* Without the consent of the United States, the General Agent shall not sell, assign or transfer, either directly or indirectly, or through any reorganization, merger or consolidation, this Agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any other person, whether an agent or otherwise, except as provided in Article 3 hereof.

ARTICLE 18. *Additional or substitute compensation and reimbursement.* The General Agent shall also be entitled to payment or credit for any service, loss, cost or expense, whether or not specifically provided for, or excepted herein, if, and to the extent that such payment or credit is found by the Director, National Shipping Authority, in his sole discretion, to be fair and equitable and in accordance with the basic principles or intent of this General Agency Agreement.

ARTICLE 19. *Headnotes.* The use of headnotes at the beginning of the articles of this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the articles themselves.

ARTICLE 20. *Renegotiation.* This Agreement shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951.

The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this Agreement) shall, in compliance with said section 104, insert the provisions of this Article in each subcontract and purchase order made or issued in carrying out this contract.

In witness whereof, the parties hereto have executed this Agreement in triplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION,
Director, National Shipping Authority.

[CORPORATE SEAL] By: ----------
(Deputy Maritime Administration)

By: ----------

Attest: ----------
(Secretary)

(b) *Berth Agency Agreement.*

BAA 10–12–51
(Re-issued as of 5–60) Contract MA------

SERVICE AGREEMENT BETWEEN THE NATIONAL SHIPPING AUTHORITY AND BERTH AGENTS

Whereas, the United States of America (herein called the "United States") acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, will, from time to time, enter into service agreements (TCA and GAA) with certain companies designating such companies as Agent or General Agent to conduct the business of vessels assigned to such agents by the United States, and

Whereas, when a vessel assigned to an Agent or General Agent is allocated by the United States for use

(1) In a service in which another operator (a United States citizen) maintained a berth operation with privately owned United States flag vessels on June 25, 1950, and is recognized by the United States as a regular berth operator in such service, or

(2) In a trade, not served with privately owned United States flag vessels on June 25, 1950, or not served on the date of such allocation by a United States citizen who is deemed by the United States qualified to conduct an efficient berth operation, where the United States deems another operator to be qualified as an operator in such trade,

such regular or other operator, as the case may be, may be designated by the United States as the Berth Agent of the United States to conduct such of the business of the vessel in such service or trade as the United States may require, and

Whereas, the United States has designated ----------, a ---------- corporation, having its principal place of business at ----------, (herein called the "Berth Agent") as eligible for appointment as a Berth Agent,

Now, therefore, the United States and the Berth Agent in consideration of the reciprocal undertakings and promises of the parties herein expressed, agree that the following provisions shall govern the rights and obligations of the United States and the Berth Agent, while the Berth Agent is performing services as Berth Agent of the United States:

ARTICLE 1. *Appointment of Berth Agent.* The United States appoints the Berth Agent as its agent and not as an independent contractor, to conduct the business of vessels assigned to it by the United States from time to time and accepted by the Berth Agent.

ARTICLE 2. *Acceptance of appointment.* The Berth Agent accepts the appointment and undertakes and promises so to conduct the business for the United States, in accordance with such directions, orders, or regulations not inconsistent with this Agreement as the United States has prescribed, or from time to time may prescribe, and upon the terms and conditions herein provided, of such vessels as have been or may be by the United States assigned to and accepted by the Berth Agent for that purpose.

ARTICLE 3. *Duties of the Berth Agent.* For the account of the United States, in accordance with such directions, orders, regulations, forms and methods of supervision and inspection as the United States may from time to time prescribe (or in the absence of such directions, orders, regulations, forms and methods of supervision and inspection, in accordance with reasonable commercial practices and/or the use of customary commercial forms), in an economical and efficient manner, and exercising due diligence to protect and safeguard the interests of the United States in connection with the duties prescribed in this Agreement and without prejudice to its rights under Article 6 hereof, the Berth Agent (solely as agent of the United States and not in any other capacity) shall, to the extent not otherwise directed:

(a) Conduct the business of the vessels including, but not limited to, all matters with respect to voyages, cargoes, mail, passengers, persons to be carried, charters, rates of freight and charges; and procure or provide all services incident thereto including, but not limited to, stevedoring and other cargo handling, port activities, wharfage and dockage, pilotages, canal transits and services of sub-agents, brokers and consulates.

(b) Collect, deposit, remit, disburse and account for all monies due the United States arising in connection with activities under or pursuant to this Agreement, and to the extent disbursements made by the Berth Agent pursuant to this Agreement are recoverable from insurance, the Berth Agent shall take such steps as may be appropriate to effect such recovery for the account of the United States.

(c) Issue or cause to be issued to passengers customary passenger tickets and to shippers customary shipping documents, freight contracts and bills of lading. All bills of lading shall be issued by the Berth Agent or its sub-agents as agent for the Master and the signature clause may provide substantially that the Berth Agent makes no warranty or representation as to the authority of the United States or the Master to enter into the agreement, and that the Berth Agent assumes no liability with respect to the goods described therein or the transportation thereof.

(d) Furnish and maintain during the period that any vessel is assigned and accepted by the Berth Agent under this Agreement, at its own expense, a bond with sufficient surety in such amount as the United States shall determine, such bond to be approved by the United States as to both sufficiency of surety or sureties and form, and to be conditioned upon the due and faithful performance of all and singular the covenants and agreements of the Berth Agent contained in this Agreement, including without limitation of the foregoing the condition faithfully to account to the United States for all funds collected and disbursed and funds and property received by the Berth Agent or its sub-agents. The Berth Agent may, in lieu of furnishing such bond, pledge direct or fully guaranteed obligations of the United States of the cash value of the penalty of the bond under an agreement satisfactory in form to the United States.

No monies of the United States shall be advanced by the Berth Agent to a Master, purser or any other member of the ship's personnel unless such advance is authorized by the General Agent and is made by the Berth Agent acting as sub-agent of the General Agent, and such Berth Agent shall not be liable for monies advanced with such authorization.

(e) (1) Keep books, records and accounts (which shall be the property of the United States) relating to the activities and business of the vessels covered by this Agreement in such form and under such regulations as may be prescribed by the United States; and (2) file, upon notice from the United States, balance sheets, profit and loss statements, and such other statements of activities, special reports, memoranda of any facts and transactions, which, in the opinion of the United States, affect the results, or the performance of transactions or activities, under this Agreement, and, whenever the Berth Agent employs any related, affiliated or holding company of the Berth Agent to render any services or to furnish any stores, supplies, equipment, provisions, materials or facilities which are for the account of the United States under the terms of this Agreement, the Berth Agent shall also, as a condition to such employment, obtain from such related or affiliated or holding company its agreement to comply with the requirements aforesaid and to make available to the United States for examination and audit its books, records and accounts, to the extent that such services affect the results, or the performance of transactions or activities, under this Agreement.

(f) Select its sub-agents, but any sub-agency agreement shall be terminated by the Berth Agent whenever the United States shall so direct.

(g) Upon termination of this Agreement, turn over to the United States at times and places to be fixed by the United States, all property of whatsoever kind then in custody of the Berth Agent pursuant to this Agreement, and upon such action the United States may collect directly, or by such agent or agents as it may appoint, all freight monies or other debts remaining unpaid, provided that the Berth Agent shall, if required by the United States, adjust, settle and liquidate the business of the vessels assigned hereunder.

ARTICLE 4. *Compensation.* At least once a month the United States shall pay to the Berth Agent compensation for the Berth Agent's services hereunder, and, after redelivery of the vessels assigned hereunder, shall also pay to the Berth Agent compensation for services required thereafter. All such compensation shall be in such fair and reasonable amount as the United States shall from time to time determine by National Shipping Authority Order. Such compensation shall be deemed to cover the Berth Agent's administrative and general expense (as presently itemized in General Order No. 22 of the Maritime Administration) and also fees to sub-agents, branch houses and customs brokers, charges for postage and petties, and communication expenses, in the continental United States, advertising expense, taxes (other than taxes for which the Berth Agent is credited under Article 5 hereof), and any other expenses which are not directly applicable to the activities and business of the vessels assigned hereunder.

ARTICLE 5. *Disbursements.* The United States shall advance funds to the Berth Agent to provide for, and the Berth Agent shall receive credit for, all expenditures of every kind made by it in performing, procuring or supplying the services, facilities, or equipment as required hereunder, excepting the items of expense as are deemed to be covered by the compensation provided for in Article 4 hereof, provided that the Berth Agent shall receive credit for sales and similar taxes or foreign taxes of any kind to the extent classifiable as vessel operating expense under said General Order No. 22, if the Berth Agent shall have used due diligence to secure immunity from such taxation.

The United States may deny credit to the Berth Agent in whole or in part, as the United States may deem appropriate, for payment of expenses which are found to have been made in wilful contravention of any outstanding instructions or which are found to have been clearly improvident or excessive.

ARTICLE 6. *Insurance and indemnification.* (a) The United States shall, without cost or expense to the Berth Agent, procure or provide insurance without deductibles, franchises or average warranties against all insurable risks of whatsoever nature or kind relating to the vessels assigned hereunder including, but without limitation, marine, war and P & I risks, sabotage and all other risks or liabilities for breach of statute and for damage caused to other vessels, persons or property.

The Berth Agent shall furnish reports and information and comply fully with all instructions that may be issued with regard to all salvage claims, damages, losses or other claims. Marine and war risk insurance with respect to each vessel assigned hereunder against protection and indemnity, general average, salvage and collision liabilities shall be without limit, as between the United States and the Berth Agent, as to the amount of any claim or the aggregate of any claims thereunder. The United States at its election may assume all or any of the foregoing risks or may write all or any such insurance in its own fund, pursuant to a duly executed policy or policies. Neither the United States nor the insurance underwriters shall have any right of subrogation against the Berth Agent with respect to any of the foregoing risks. All insurance hereunder shall cover both the United States and the Berth Agent, when acting hereunder or as sub-agent of another General Agent or Berth Agent of the United States with respect to vessels assigned by the United States to such other General Agent or Berth Agent.

(b) To the extent not covered by insurance or assumed by the United States, as required by this Article 6, the United States shall indemnify, and hold harmless and defend the Berth Agent against any and all claims and demands (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand be found to be valid) of whatsoever kind or nature whether or not such claim or demand is caused by the negligence of the Berth Agent or the vessel, and by whomsoever asserted, for injury to persons or property arising out of or in any way connected with the activities, maintenance or business of said vessels or the performance by the Berth Agent of any of its obligations hereunder, including, but not limited to, any and all claims and demands by passengers, troops, gun crews, crew members, shippers, third persons, or other vessels and including but not limited to claims for damages for injury to or loss of property, cargo or personal effects, claims for damages for personal injury or loss of life, and claims for maintenance and cure.

(c) In view of the extraordinary wartime or emergency conditions under which vessels will be operated hereunder, the Berth Agent shall be under no responsibility or liability

to the United States for loss or damage to the vessels assigned hereunder arising out of any error of judgment or any negligence on the part of any of the Berth Agent's officers, agents, employees, or otherwise. If, however, such loss or damage is directly or primarily caused by wilful misconduct of principal supervisory shoreside personnel or by gross negligence of the Berth Agent in the selection of principal supervisory shoreside personnel, the Berth Agent shall be held liable for such loss or damage unless it is required by this Article 6 to be covered by insurance or assumed by the United States. The liability of the Berth Agent under this paragraph (c) for any such loss or damage shall in no event exceed the sum of $500,000 in respect of any one vessel.

(d) The Berth Agent shall be under no liability to the United States of any kind or nature whatsoever in the event that the Berth Agent should fail to perform any service hereunder by reason of any labor shortage, dispute or difficulty, or any strike or lockout or any shortage of material or any act of God or peril of the sea or any other cause beyond the control of the Berth Agent whether or not of the same or similar nature, or should do or fail to do any act in reliance upon instructions of military or naval authorities.

(e) Whenever the Berth Agent is performing any services of the nature set forth in this Agreement as sub-agent for another General Agent or Berth Agent of the United States with respect to vessels assigned by the United States to such other General Agent or Berth Agent, the provision of this Article 6 shall cover such sub-agency services.

ARTICLE 7. *General average.* In the event of general average involving vessels assigned to the Berth Agent under this Agreement, the Berth Agent shall comply fully with all instructions issued by the United States in that connection including instructions as to the appointment of adjuster, obtaining general average security and asserting liens for that purpose unless otherwise instructed, and supplying the adjuster with all disbursements, accounts, documents and data required in the adjustment, statement and settlement of the general average. Reasonable compensation for and general average allowances to the Berth Agent in such cases shall be fixed by the adjuster, subject to approval by the United States and paid to and retained by the Berth Agent.

ARTICLE 8. *Salvage.* Salvage claims for services rendered to vessels other than vessels owned or controlled by the United States shall be handled by, and be under the control of, the United States. Salvage awards for services rendered to other vessels owned or controlled by the United States including the vessels hereunder shall be made by the United States. The Berth Agent shall furnish the United States with full reports and information on all salvage services rendered.

ARTICLE 9. *Related services.* (a) Agreements or arrangements with any interested or related company to render any service or to furnish any stores, supplies, equipment, materials, repairs, or facilities hereunder shall be submitted to the United States for approval. Unless and until such agreements or arrangements have been approved by the United States, compensation paid to any interested or related company shall be subject to review and readjustment by the United States. In connection with such review and readjustment, the United States may deny credit hereunder of any portion of such compensation which it deems to be in excess of fair and reasonable compensation. The United States may also deny credit, in whole or in part, of compensation under any arrangement or agreement with an interested or related company which it deems to be exorbitant, extortionate or fraudulent. The term "interested company" shall mean any person, firm or corporation in which the Berth Agent, or any related company of the Berth Agent, or any officer or director of the Berth Agent or any employee of the Berth Agent who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director or employee, or any officer or director of any related company of the Berth Agent or any member of the immediate family of an officer or director of any related company of the Berth Agent, owns any substantial pecuniary interest directly or indirectly. The term "related company," used to indicate a relationship with the Berth Agent for the purposes of this Article only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the Berth Agent. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the Berth Agent (or related company), whether through ownership of voting securities, by contract or otherwise.

(b) The United States shall, when it may legally do so, have the advantage or any existing, or future, contracts of the Berth Agent for the purchase or rental of materials, fuel, supplies, facilities, services or equipment, if this may be done without unreasonably interfering with the requirements of other vessels owned or operated by the Berth Agent provided that any financial loss or disadvantage to the Berth Agent shall be compensated for in such amount as may be determined by the United States.

(c) Notwithstanding any other provision of this Agreement, the United States, by separate agreement, may contract with the Berth Agent to perform stevedoring, terminal, ship repair or similar services for the vessels assigned hereunder, in which event the Berth Agent shall have the rights, benefits and the obligations and responsibilities provided in such agreement.

ARTICLE 10. *Delegation of authority.* Wherever and whenever herein any right, power or authority is granted or given to the United States, such right, power or authority may be exercised in all cases by the National Shipping Authority or such agent or agents as the United States may appoint, and the act or acts of such agent or agents when taken, shall constitute the act of the United States hereunder. In performing its services hereunder, the Berth Agent may rely upon the instructions and directions of the Director, National Shipping Authority, his officers and responsible employees, or any person or agency authorized by him. Wherever practicable, instructions and directions to the Berth Agent shall be in writing and oral instructions or directions given shall be confirmed promptly in writing. No directions, orders or regulations shall have retroactive effect without the written consent of the Berth Agent.

ARTICLE 11. *Warranty against contingent fees.* The Berth Agent warrants that it has not employed any person to solicit or secure this Agreement upon any agreement for a commission, percentage, brokerage or contingent fee. Brech of this warranty shall give the United States the right to annul this Agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage or contingent fee.

ARTICLE 12. *Nondiscrimination.* Neither the Berth Agent nor any subcontractor of the Berth Agent, in performing any act under this Agreement or any subcontract made hereunder, shall discriminate against any person on the ground of race, creed, color or national origin.

ARTICLE 13. *Members or delegates of Congress.* No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account shall hold or enjoy this Agreement in whole or in part, except as provided in section 206, Title 18, U.S.C. The Berth Agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

ARTICLE 14. *Right of Comptroller General to examine books and records.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the Berth Agent or any of its subcontractors engaged in the performance of and involving transactions related to this Agreement or any subcontracts thereunder.

ARTICLE 15. *Termination.* (a) The United States shall have the right to terminate this Agreement at any time as to any or all vessels assigned to the Berth Agent and to assume control forthwith of any or all said vessels upon fifteen (15) days' written or telegraphic notice unless action is required at an earlier date to protect the interest of the United States.

(b) Upon giving to the United States thirty (30) days' written or telegraphic notice, the Berth Agent shall have the right to terminate this Agreement as to any or all vessels assigned to the Berth Agent, but unless otherwise agreed, termination by the Berth Agent shall not become effective as to any vessel until her arrival and discharge at a continental United States port.

(c) No such termination of this Agreement shall relieve either party of liability to the other in respect of matters arising prior to the date of such termination or of any obligation hereunder to indemnify the other party in respect of any claim or demand thereafter asserted, arising out of any matter done or omitted prior to the date of such termination.

(d) This Agreement may be terminated, modified or amended at any time by mutual consent.

ARTICLE 16. *Duration of agreement.* This Agreement is effective as of the day and year of the first acceptance by the Berth Agent of any vessel assigned hereunder and shall extend until terminated as herein elsewhere provided.

ARTICLE 17. *Assignment or transfer.* Without the consent of the United States, the Berth Agent shall not sell, assign or transfer, either directly or indirectly, or through any reorganization, merger or consolidation, this Agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any other person, whether an agent or otherwise, except as provided in Article 3 hereof.

ARTICLE 18. *Additional or substitute compensation and reimbursement.* The Berth Agent shall also be entitled to payment or credit for any service, loss, cost or expense, whether or not specifically provided for, or excepted herein, if, and to the extent that such payment or credit is found by the Director, National Shipping Authority, in his sole discretion to be fair and equitable and in accordance with the basic principles or intent of this Berth Agency Agreement.

ARTICLE 19. *Renegotiation.* This contract shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951.

The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this contract) shall, in compliance with said section 104, insert the provisions of this Article in each subcontract and purchase order made or issued in carrying out this contract.

ARTICLE 20. *Headnotes.* The use of headnotes at the beginning of the articles of this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the articles themselves.

In witness whereof, the parties hereto have executed this Agreement in triplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION,
Director, National Shipping Authority.

[CORPORATE SEAL]

By: ----------
(Deputy Maritime Administrator)

By: ----------

Attest:

(Secretary)

Approved: May 20, 1960, Director, National Shipping Authority.

WALTER C. FORD,
Acting Maritime Administrator.

[F.R. Doc. 60-4844; Filed, May 27, 1960; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, Hawaii

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892, 33 U.S.C. 3), § 204.223 establishing and governing the use of certain danger zones in the Pacific Ocean, Hawaii, is hereby amended by revoking paragraphs (a) (2) and (b) (2) and by revising paragraph (b) (1), and § 204.223b is hereby prescribed establishing and governing the use and navigation of a danger zone in the Pacific Ocean off Kanewaa Point, Hawaii, as follows:

§ 204.223 Pacific Ocean, Hawaiian Islands; danger zones.

(a) *Danger zones.*

* * * * *

(2) [Revoked]

* * * * *

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in any of the areas at any time except as authorized by the enforcing agency.

(2) [Revoked]

§ 204.223b Pacific Ocean off Kanewaa Point, Island of Hawaii, Hawaii; practice aerial target.

(a) *The danger zone.* The waters within a circular area with a radius of one and one-half (1½) miles having its center at latitude 19°06'58.23" N., longitude 155°54'28.07" W.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the area from sunrise to sunset, Monday through Friday of each week, except as authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Commander, Fleet Air, Hawaii, located at the Naval Air Station, Barbers Point, Island of Oahu, Hawaii.

[Regs., May 11, 1960, 285/91 (Pacific Ocean, Hawaii)—ENGCW-O] (Sec. 7, 40 Stat. 266, 40 Stat. 892; 33 U.S.C. 1, 3)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-4801; Filed, May 27, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 89]

RED LAKE INDIAN RESERVATION

Commercial Fishing

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 161 (5 U.S.C. 22) and 463 (25 U.S.C. 2) of the Revised Statues it is proposed to amend 25 CFR Part 89 as set forth below. The purpose of this amendment is to revise the regulations in regard to commercial fishing on the Red Lake Indian Reservation, Minnesota. The principal revisions in the regulations include application of a maximum annual quota to walleye pike, the main species, rather than to all game fish; and prohibits the taking of walleye and northern pike during their spawning season except for propagation purposes. The remaining revisions are primarily for the purpose of clarification and to eliminate functions of the Red Lake Fisheries Association from the regulations.

This proposed amendment relates to matters which are not subject to section 4 of the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, it is the policy of the Department of the Interior that, whereever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 23, 1960.

Sec.

AUTHORITY: §§ 89.1 to 89.12 issued under 25 U.S.C. 2, 5 U.S.C. 22.

§ 89.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Council" means the General Council of the Red Lake Band of the Chippewa Indians as recognized by the Secretary of the Interior.

(c) "Association" means the Red Lake Fisheries Association, incorporated under the laws of the State of Minnesota, and whose articles of incorporation and by-laws and any amendments thereto have been approved by the Council and the Secretary of the Interior.

(d) "Member of Association" means as defined in the Association By-Laws.

(e) "Commercial Fishing" means the catching of any fish for sale directly or indirectly to others than Indians on the reservations or licensed traders on the reservation for resale to Indians.

§ 89.2 Authority to engage in commercial fishing.

No person shall engage in commercial fishing in the waters of the Red Lakes on the Red Lake Indian Reservation in the State of Minnesota except the Red Lake Fisheries Association, a corporation organized and incorporated under the laws of Minnesota, and its members, and then only in accordance with the regulations in this part. The authority hereby granted to the Association and its members to engage in commercial fishing may, at any time, be cancelled and withdrawn and these regulations may be modified and amended.

§ 89.3 Authority to operate.

The association may conduct commercial fishing operations on the reservation under authority of its articles of incorporation and by-laws only in accordance with the regulations in this part.

§ 89.4 Fishing.

(a) Enrolled members of the Red Lake Band of Chippewa Indians may take fish at any time except as prohibited by § 89.6 in this part, from waters of the Red Lakes on the Red Lake Indian Reservation for their own use and for sale to: (1) Other Indians on the reservation and (2) licensed traders on the reservation for resale to Indians.

(b) Fish may be taken for commercial purposes only by the Association through members of the Association in residence on the reservation during the fishing season which shall be May 15 to November 15 inclusive. All fish taken for such purposes shall be marketed through the Association.

(c) In connection with commercial fishing, Association member fishermen may be assisted only by Indians who are members of the Red Lake Band.

§ 89.5 Disposition of unmarketable fish.

All unmarketable live fish taken under authority of these regulations must be returned to the water, and all unmarketable dead fish taken must be buried by the person taking the same.

§ 89.6 Spawning season.

Walleye and northern pike (or pickerel) shall not be taken during their spawning season except for propagation purposes.

§ 89.7 Suspension.

All commercial fishing operations may be suspended by order of the Secretary at any time.

§ 89.8 Penalty.

Any Indian violating the provisions of §§ 89.4 and 89.6 shall forfeit his right to take fish for any purpose for a period of three months.

§ 89.9 Quotas.

The Secretary may set such commercial quotas as he may find desirable, based on available biological and other information, on the amount of fish which may be taken under authority of the regulations in this part in any one season. Until otherwise determined by the Secretary, not more than 650,000 pounds of walleyes may be taken in any one fishing season.

§ 89.10 Fishing equipment limitations.

(a) Any variety of fish may be taken by enrolled members of the Band from any waters on the reservation by hook and line, and from Upper and Lower Red Lakes by gill net or entrapment gear for non-commercial use only.

(b) For commercial fishing each member of the Association shall be limited to eight gill nets of 300 feet in length and six feet in depth, of which not to exceed six of such nets may be of nylon and other synthetic material.

(c) Gill nets for taking pike shall have a mesh of not less than 3½ inches extension measure.

(d) Gill nets for taking white fish shall have a mesh of not less than 5½ inches extension measure.

(e) Entrapment gear may only be used by members of the Association for taking fish of any variety for commercial purposes or propagation, in accordance with such specifications and directions as the manager of the Association may provide.

(f) All nets used in Red Lake Reservation waters must be marked with appropriate tags to be furnished by the Association.

§ 89.11 Royalty.

The Association shall pay five per cent of the gross receipts from the sale of fish by the Association to the designated collection officer of the Bureau of Indian Affairs, which shall be deposited to the credit of the Band in the Treasury of the United States.

§ 89.12 Authority to lease.

The Band, with the approval of the Secretary, may execute a lease or permit on its fisheries plant and hatchery at Redby, Minnesota, to the Association.

[F.R. Doc. 60-4810; Filed, May 27, 1960; 8:46 a.m.]

[25 CFR Part 221]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs under section 15(a) of Secretarial Order No. 2508, it is proposed to amend §§ 221.63 and 221.110 of Title 25 of the Code of Federal Regulations as set forth below. The purpose of the amendments is to increase the Joint Work annual operation and maintenance assessment rate in § 221.63 from $1.35 to $1.45 per acre and the basic rate as provided in § 221.110 from $4.25 to $4.35 per acre.

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C.

1. Section 221.63 is amended to read as follows:

§ 221.63 Assessments, Joint Works.

(a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§ 221.69a to 221.69a), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1962 is estimated to be $145,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at $1.45 for each acre of land.

2. Section 221.110 is amended to read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1962 and the subsequent years unless changed by further order, is hereby fixed at $4.35 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply.

The foregoing changes are to become effective for the fiscal year 1962 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

GLENN L. EMMONS,
Commissioner.

MAY 24, 1960.

[F.R. Doc. 60–4811; Filed, May 27, 1960; 8:46 a.m.]

Fish and Wildlife Service

[50 CFR Part 8]

CERTAIN LANDS AND WATERS ADJACENT TO MARTIN NATIONAL WILDLIFE REFUGE, MARYLAND

Proposed Designation of Closed Area Under Migatory Bird Treaty Act

Notice is hereby given that pursuant to the authority vested in me, it is proposed to designate an area, closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Martin National Wildlife Refuge and to increase the effectiveness of the refuge for the purposes for which it was acquired by the United States.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the formulation of proposed rules. Accordingly, interested persons may submit their views, data, or arguments in writing to D. H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The text of the proposed designation is as follows:

By virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431), and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, Fred A. Seaton, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all of those areas of water and tidal flats lying within 300 yards of the natural shore abutting on lands of the Martin National Wildlife Refuge, situate on that part of Smith Island lying north of the Big Thorofare, Somerset County, Maryland, except that the above-described closed area shall not extend southwest of the medial line of the channel known as Little Thorofare.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MAY 23, 1960.

[F.R. Doc. 60–4809; Filed, May 27, 1960; 8:46 a.m.]

National Park Service

[36 CFR Part 7]

FORT JEFFERSON NATIONAL MONUMENT

Fishing, Anchoring, Dumping Refuse and Protecting Wildlife

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003) authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3), National Park Service Order No. 14, 19 F.R. 8824, Regional Director, Region One, Order No. 3, 21 F.R. 1493, it is proposed that the present text of 36 CFR 7.27 be amended as set forth below.

The purpose of these amendments is to revise the present language so as to more effectively limit and control fishing activities as well as to establish reasonable regulations regarding the protection of other marine wildlife.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Everglades National Park, P.O. Box 275, Homestead, Florida, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed changes, revisions and amendments follow:

§ 7.27 Fort Jefferson National Monument.

(a) *Fishing.* No species of coral, shells, shellfish, seafan, sponges, sea anemones or other forms of marine life found in the waters of the Monument, shall be taken or disturbed in any manner, except that fish, crawfish, and the common species of conch, may be taken in accordance with subparagraphs (2) to (8) of this paragraph.

(1) Protection of turtles: Sea turtles and terrapins, turtle or terrapin nests and their eggs shall not be taken, disturbed or molested at any time.

(2) Crawfish (Panulirus argus), Florida Lobster, Langouste: (i) Crawfish measuring at least 12 inches from the tip of head to the tip of tail, exclusive of feelers, may be taken only during the legal open season for taking crawfish as determined by Florida Statutes and the limit shall be two per day per

person, except that the total for any one vessel having more than 12 persons aboard shall not exceed twenty-five.

(ii) The taking or catching of crawfish for commercial purposes is prohibited at all times.

(3) Conch (Strombus gigas): (i) The taking of Conchs shall be limited to the species (Strombus gigas), which is also known as Queen Conch or Pink Conch, and the limit per person, per day, is two Conch, except that the total for any vessel having more than 12 persons aboard shall not exceed twenty-five.

(ii) The taking or catching of Conchs for commercial purposes is prohibited at all times.

(4) Commercial fishing or shrimping, or the taking of fish for the purpose of sale is prohibited in the area of the National Monument described as follows:

Beginning at Pulaski Shoal Light at latitude 24°41'36" North, longitude 82°46'23" West, thence on a straight line to a point at latitude 24°38'00" North, longitude 82° 48'00" West; thence on a straight line to a buoy "N2" at latitude 24°37'23" North, longitude 82°49'48" West; thence in a straight line to a buoy "C1" at latitude 24°35'35" North, longitude 82°52'19" West; thence in a straight line to buoy "N8" at latitude 24°35'07" North, longitude 82°54'07" West; thence in a straight line to a buoy "C–1" at latitude 24°36'27" North, longitude 82°55'40" West; thence in a straight line to a buoy "N–10" at latitude 24°36'39" North, longitude 82°57'27" West; thence in a straight line to a point at latitude 24°40'57" North, longitude 82°54'16" West; thence in a straight line to a point at latitude 24°41'50" North, longitude 82°53'10" West; thence in a straight line to a point at latitude 24°42'22" North, longitude 82°51'50" West; thence in a straight line to a point at latitude 24° 42'53" North, longitude 82°49'34" West; thence in a straight line to a point at latitude 24°42'44" North, longitude 82°48'20" West; and thence in a straight line to the point of beginning at Pulaski Shoal Light.

(5) (i) The taking of live bait in the area described in subparagraph (4) of this paragraph is prohibited, except that minnows or "pilchers" may be taken by sports fishermen by a cast net not to exceed 12 feet in diameter, or by hook and line, and that possession is limited to one days supply.

(ii) No bait shall be taken for the purpose of sale.

(6) Fish or other marine life in the moat around the Fort shall not be disturbed or taken at any time.

(7) The use or possession of spears, gigs, or grains, within the boundaries of the National Monument, is prohibited at all times.

(8) Applicability of State Laws: Except as otherwise provided in this section, all fishing in the water of Fort Jefferson National Monument shall be done in accordance with the laws of Florida and the regulations made pursuant thereto by the Florida State Board of Conservation.

(b) *Prohibited anchorage.* All vessels are prohibited from anchoring in the channels immediately surrounding Garden Key, at any point southerly from and between Marker No. 1 of the East channel and Marker No. 1 of the West channel: *Provided,* That passenger carrying vessels and yachts carrying visitors to historic Fort Jefferson will be permitted to anchor temporarily within the above-described channel in such a manner as not to obstruct the passage of other vessels or craft. No vessels shall be moored at any of the piers of Fort Jefferson except with the permission of the Superintendent or his representative.

(c) *Dumping of refuse prohibited.* Dumping of trash, oily liquids or wastes, or refuse of any kind in the waters or on the beaches or lands of the National Monument is prohibited.

(d) *Protection of wildlife.* Landing in any area which is used as a nesting or roosting place by summer nesting birds, or the molesting of any wildlife is prohibited. The Superintendent or his representative may, upon application of qualified persons, issue permits to study or photograph the birds at roosting or nesting sites.

Issued this 24th day of March 1960.

WARREN F. HAMILTON,
Superintendent,
Fort Jefferson National Monument.

[F.R. Doc. 60–4813; Filed, May 27, 1960; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Powers of Attorney for Customs Purposes

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of sections 484 and 624, Tariff Act of 1930, as amended (19 U.S.C. 1484, 1624), it is proposed to amend § 8.19 of the Customs Regulations.

Section 8.19(a) now provides that a customs power of attorney executed in favor of a licensed corporate customhouse broker may specify that the power of attorney is granted to the corporation to act through any of its officers or any employees specifically authorized to act for such corporation by power of attorney filed by the corporation with the collector of customs. It is proposed to amend § 8.19(a) to make this provision applicable to customs powers of attorney executed in favor of any licensed customhouse broker, whether or not the broker is a corporation.

The proposed amendment in tentative form is as follows:

The last sentence of § 8.19(a) of the Customs Regulations is amended to read: "A customs power of attorney executed in favor of a licensed customhouse broker may specify that the power of attorney is granted to the customhouse broker to act through any of its licensed officers or any employee specifically authorized to act for such customhouse broker by power of attorney filed by the customhouse broker with the collector of customs."

Prior to the adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., and received within 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: May 23, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60–4829; Filed, May 27, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO–231–A12–RO1]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a reopening of the public hearing held at Dallas, Texas, on October 28, 1959, pursuant to notice thereof published in the FEDERAL REGISTER on October 24, 1959 (24 F.R. 8653), with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

Such public hearing will be reopened at the Hotel Dallas in Dallas, Texas, beginning at 10:00 a.m., c.s.t., on June 29, 1960.

This hearing is being reopened on petition of Foremost Dairies, Inc., and such reopening is for the purpose of affording opportunity for the presentation of additional evidence with respect to proposal No. 7 as set forth in the above identified initial notice of hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 35225, Airlawn Station, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 25th day of May 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60–4851; Filed, May 27, 1960; 8:51 a.m.]

[7 CFR Part 949]

[Docket No. AO-232-A8-RO1]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Notice of Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a reopening of the public hearing held at San Antonio, Texas, on July 22, 1959, pursuant to notice thereof published in the FEDERAL REGISTER on July 17, 1959 (24 F.R. 5742), with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the San Antonio, Texas, marketing area.

Such public hearing will be reopened at the Saint Anthony Hotel in San Antonio, Texas, beginning at 10:00 a.m., c.s.t., on June 27, 1960.

This hearing is being reopened on petition of the Producers Association of San Antonio, and such reopening is for the purpose of affording opportunity for the presentation of additional evidence with respect to proposals No. 4 and No. 12 appearing in the above identified initial notice of hearing and with respect to the proposals hereinafter set forth. Such proposals have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Association of San Antonio:

Proposal No. 19. Add a new definition as follows: "Dairy farmer for other markets means any dairy farmer whose milk is received by a handler at a pool plant during March through June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during any of the preceding months of July through February."

Proposal No. 20. Amend the definition of a pool plant to provide pool plant status for any plant approved by an appropriate health authority having jurisdiction in the marketing area to supply milk for fluid disposition as Grade "A" milk in the marketing area if it is operated by a cooperative association, and 50 percent or more of the producer milk of members is received during the month in the pool plants of other handlers, or is transferred to such plants from the plant of the cooperative associations.

Proposal No. 21. Amend § 949.65 to read as follows:

The rate of payment per hundredweight applicable to other source milk, which has not been subject to the Class I pricing provisions or on which a compensatory payment has not been levied under another Order issued pursuant to the act, assigned to Class I use at a pool plant or disposed of as Class I milk on routes in the marketing area, shall be calculated as follows:

(a) For the months of February through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 949.54 which would be applicable if the nonpool plant were a pool plant; and

(b) During the months of August through January, subtract from the Class I price, adjusted by the Class I butterfat differential, the uniform price to producers, adjusted by the Class I butterfat differential.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 22. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of reopening and of the order may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 25th day of May 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-4852; Filed, May 27, 1960; 8:51 a.m.]

[7 CFR Parts 1032, 1033, 1034]

CARROTS, LETTUCE AND ONIONS GROWN IN SOUTH TEXAS

Hearings With Respect to Proposed Marketing Agreements and Orders

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notices were given of public hearings with respect to proposed marketing agreements and orders regulating the handling of carrots grown in designated counties of South Texas; the handling of lettuce grown in Cameron, Hidalgo, Starr and Willacy Counties of Texas (Lower Rio Grande Valley); and the handling of onions grown in designated counties of South Texas.

The notice with respect to carrots was published in the FEDERAL REGISTER of May 13, 1960 (25 F.R. 4285) and stated the hearing would be held in the County Court Room, District Courthouse, Edinburg, Texas, at 9:30 a.m., c.s.t., May 31, 1960; the notice with respect to lettuce was published in the FEDERAL REGISTER of May 20, 1960 (25 F.R. 4476) and stated the hearing would be held in the County Court Room, District Courthouse, Edinburg, Texas, at 9:30 a.m., c.s.t., June 6, 1960; and the notice with respect to onions was published in the FEDERAL REGISTER of May 25, 1960 (25 F.R. 4597) and stated the hearing would be held in the County Court Room, District Courthouse, Edinburg, Texas, at 9:30 a.m., June 13, 1960.

In each of the aforesaid notices the building in which each of the hearings is to be held was incorrectly designated as "District Courthouse." The correct designation of such building is "Hidalgo County Courthouse." Accordingly, in this particular, each of the said notices is hereby corrected to read "Hidalgo County Courthouse" instead of "District Courthouse."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 26, 1960.

F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 60-4888; Filed, May 27, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-WA-41]

CONTROL AREAS

Modification of Proposed Redesignation

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-41, on May 13, 1960, (25 F.R. 4291), it was stated that the Federal Aviation Agency proposed to redesignate the control areas associated with the segments of VOR Federal airways No. 2 and 14 between Grafton, N.Y., Intersection and the Greenfield, Mass., Intersection to extend upward from 3,500 feet MSL to, but not including, 24,000 feet MSL. Notice is hereby given that the original proposal is amended in that the control areas associated with these segments of Victor 2 and Victor 14, being considered for modification, would be designated to extend upward from 5,500 feet MSL, to, but not including, 24,000 feet MSL. This modification would establish the floor of these control areas approximately 2,000 feet above the highest terrain for these airway segments, and would make additional airspace available underneath these airways for conducting flight outside of control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 1, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), I hereby give notice that the time which comments will be received for consideration on Airspace Docket No. 60-WA-41 is extended to July 1, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation

Agency, Federal Building, New York, International Airport, Jamaica 30, New York.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat, 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 23, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4806; Filed, May 27, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72-75, 77, 78]

[Docket No. 3666; Notice 43]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

MAY 17, 1960.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the Appendix set forth below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before June 14, 1960. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 18 U.S.C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F.R. 8264, 8266, 8267, 8269, 8271, 8272, and 8273, Dec. 2, 1950) (18 F.R. 801, Feb. 7, 1953) (20 F.R. 8098, Oct. 28, 1955) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Battery charger with electrolyte (acid) or battery fluid.	See § 73.259.			
Corrosive battery fluid. *See* Electrolyte (acid), or Alkaline corrosive battery fluid.				
Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger, radio current supply device, or electronic equipment and actuating devices.	Cor. L.	No exemption, 73.259	White	6 quarts.
Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	Oxy. M.	73.153, 73.217	Yellow	100 pounds.
Mines, explosive, with gas material. See Explosive mine.	See § 73.56 (d).			
Radio current supply device with electrolyte (acid) or battery fluid.	See § 73.259.			
(Add)				
Diethyl aluminum chloride	F.L.	No exemption, 73.134	Red	2 ounces.
Ethyl aluminum dichloride	F.L.	No exemption, 73.134	Red	2 ounces.
Ethyl aluminum sesquichloride	F.L.	No exemption, 73.134	Red	2 ounces.
Gas mine. See Explosive mine	See § 73.56 (d).			
Methyl aluminum sesquibromide	F.L.	No exemption, 73.134	Red	2 ounces.
Methyl aluminum sesquichloride	F.L.	No exemption, 73.134	Red	2 ounces.
Rocket motors	F.S.	No exemption, 73.238	Yellow	550 pounds.
Titanium sulfate solution containing not more than 45 percent sulfuric acid.	Cor.L.	73.244, 73.297	White	1 gallon.
Triisobutyl aluminum	F.L.	No exemption, 73.134	Red	2 ounces.
Zirconium scrap (borings, clippings, shavings, sheets, or turnings).	F.S.	73.153, 73.220	Yellow	100 pounds.
(Cancel)				
Radio battery chargers	See § 73.259.			

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.32 amend paragraph (a)(2) (24 F.R. 3596, May 5, 1959) to read as follows:

§ 73.32 Qualification, maintenance, and use of portable tanks.

(a) * * *

(2) Portable tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 20,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats and car ferries, nor shall such limitation in weight apply to trailerships or containerships if approved under Coast Guard Regulations.

In § 73.33 amend paragraphs (a)(1) and (o)(4) (24 F.R. 3596, May 5, 1959) (20 F.R. 8099, Oct. 28, 1955) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks.

(a) * * *

(1) Cargo tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 20,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats and car ferries, nor shall such limitation in weight apply to trailerships or containerships if approved under Coast Guard Regulations.

* * * * *

(o) * * *

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles shall conform to the standards of The Chlorine Institute, Inc. Angle valve to conform with Dwg. 104-4, dated May 5, 1958; excess-flow valve to conform with Dwg. 101-3, dated January 23, 1959. An excess-flow valve shall be installed under each angle valve.

Subpart B—Explosives; Definitions and Preparation

In § 73.56 amend the heading and paragraph (d) (15 F.R. 8286, Dec. 2, 1950) (18 F.R. 802, Feb. 7, 1953) to read as follows:

§ 73.56 Ammunition, projectiles, grenades, bombs, mines, gas mines, and torpedoes.

* * * * *

(d) Gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, incendiary grenades, and gas mines, explosive, containing a bursting charge must be packed and properly secured in strong wooden boxes. Detonating fuzes, boosters or bursters, bouchons or ignition elements must not be assembled in these articles or included in the same package with them unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(See §§ 73.190, 73.330, 73.350, and 73.383 for nonexplosive chemical or poisonous ammunition.)

In § 73.92 amend paragraph (a) (4) (21 F.R. 7599, Oct. 4, 1956) to read as follows:

§ 73.92 Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.

(a) * * *

(4) Jet thrust units (jato), class B, may be packed in the same outside shipping container with separately packaged igniters, jet thrust, class B, when the containers are approved by the Bureau of Explosives.

In § 73.94 add paragraph (d) (25 F.R. 3099, April 12, 1960) to read as follows:

§ 73.94 Explosive power devices, class B.

* * * * *

(d) Label: Each outside container of explosive power devices when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

In § 73.100 amend paragraph (aa) (25 F.R. 3099, April 12, 1960) to read as follows:

§ 73.100 Definition of class C explosives.

* * * * *

(aa) Explosive power devices, class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a design approved by the Bureau of Explosives.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.122 amend paragraph (a) (1) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.122 Acrolein, inhibited.

(a) * * *

(1) Spec. 5A or 5B (§§ 78.81 or 78.82 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter.

In § 73.124 amend paragraph (a) (5) and cancel paragraph (a) (6) (22 F.R. 4790, July 9, 1957) (21 F.R. 4564, June 26, 1956) to read as follows:

§ 73.124 Ethylene oxide.

(a) * * *

(5) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–4, or ARA–IV–A[1] (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.306 of this chapter). Tank cars. Specs. 105A200–W, 105A300–W, 105A400–W, 105A500–W, and 105A600–W (§§ 78.307, 78.286, 78.287, 78.288, and 78.289 of this chapter) tanks must be restenciled 105A100–W (§ 78.285 of this chapter) and be equipped with safety valves of the type and size used on spec. 105A100–W (§ 78.285 of this chapter) tank cars. Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner. See Note 1 of § 73.119(f) (3). (See § 73.432 for shipping instructions.)

[No change in Note 1.]

(6) [Canceled.]

In § 73.128 add paragraph (a) (3) (20 F.R. 4414, June 23, 1955) to read as follows:

§ 73.128 Paints and related materials.

(a) * * *

(3) Spec. 52 (§ 78.246 of this chapter). Aluminum portable tanks. Authorized only for materials having flash point above 20° F.

In § 73.132 add paragraph (a) (2) (18 F.R. 5272, Sept. 1, 1953) to read as follows:

§ 73.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

(a) * * *

(2) Spec. 52 (§ 78.246 of this chapter). Aluminum portable tanks. Authorized for materials irrespective of flash point but only those defined as viscous liquids by § 73.115(b).

In § 73.134 amend the heading and introductory text of paragraph (a); amend paragraphs (a) (2) and (3) and (b); add Note 1 to paragraph (a) (2) and add paragraph (a) (4) (24 F.R. 904, Feb. 6, 1959) (24 F.R. 8057, Oct. 6, 1959) to read as follows:

§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pryoforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof.

(a) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof must be shipped in devices or apparatus of a type approved by the Bureau of Explosives or in specification containers as follows:

* * * * *

(2) Spec. 105A300–W, 105A400–W, 105A500–W, 105A600–W, 106A500, or 106A500X (§§ 78.286, 78.287, 78.288, 78.289, or § 78.275 of this chapter) tank cars. Authorized for aluminum triethyl, aluminum trimethyl, and mixtures or solutions thereof, pyroforic fuel, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide and mixtures or solutions thereof only. Specs. 106A500 and 106A500X (§ 78.275 of this chapter) tanks must not be filled to a density exceeding 80 percent of the water capacities of the tanks and tanks must be equipped with an approved spring-relief safety valve. Tanks must be loaded on cars and motor vehicles in such a manner that the safety relief valve will always be in the vapor phase.

NOTE 1: Tanks complying with ICC–106A 500 and ICC–106A500X (§ 78.275 of this chapter) specifications may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

(3) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

(4) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a minimum design pressure of 250 pounds per square inch.

(b) Aluminum triethyl, aluminum trimethyl and mixtures or solutions thereof, pyroforic fuel, pyroforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof when offered for transportation by rail express must be packed in glass ampules not over 2 ounces capacity each, securely cushioned with absorbent material in sufficient quantity to completely absorb contents in event of breakage, within an inside metal container, spec. 2R (§ 78.34 of this chapter), enclosed in a strong wooden box.

In § 73.136 amend paragraph (a) (3) (15 F.R. 8302, Dec. 2, 1950) to read as follows:

§ 73.136 Methyl dichlorosilane and trichlorosilane.

(a) * * *

(3) Spec. 5A or 5B (§ 78.81 or § 78.82 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter. These containers not authorized for shipment by rail express.

In § 73.141 amend paragraph (a) (7) (24 F.R. 8057, Oct. 6, 1959) to read as follows:

§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(7) Spec. 103–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–1 (§§ 78.280, 78.286, 78.287, 78.288, 78.289, or § 78.303 of this chapter). Tank cars. Specs. 103–W and 111A100–W–1 (§§ 78.280 and 78.303 of this chapter) tank cars equipped with bottom outlets must have bottom outlets effectively sealed. Bottom washout permitted.

In § 73.145 amend paragraph (a) (6) (22 F.R. 3925, June 5, 1957) to read as follows:

§ 73.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.

(a) * * *

(6) Spec. 103–W, 103C–W, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–

W–4 (§§ 78.280, 78.283, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, or § 78.306 of this chapter). Tank cars. Authorized for dimethylhydrazine, unsymmetrical only. Tank cars must be equipped with steel safety valves of approved design and 103–W (§ 78.280 of this chapter) tank cars must not be equipped with bottom outlets. Specs. 105A200–W, 105A300–W, 105A400–W, 105A500–W, and 105A600–W (§§ 78.307, 78.286, 78.287, 78.288, and 78.289 of this chapter) tanks must be restenciled 105A100–W (§ 78.285 of this chapter) and be equipped with safety valves of the type and size used on Spec. 105A100–W (§ 78.285 of this chapter) tank cars.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.206 amend paragraph (a)(3) (20 F.R. 4416, June 23, 1955) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.

(a) * * *

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Authorized only for lithium metal or sodium, metallic which must be fused solid in the container.

In § 73.207 add paragraph (b)(7) (15 F.R. 8311, Dec. 2, 1950) to read as follows:

§ 73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.

* * * * *

(b) * * *

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than four bottles having capacity of 5 pounds each, shall be packed in one outside box. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

Amend entire § 73.220 (19 F.R. 6268, Sept. 29, 1954) (19 F.R. 8526, Dec. 14, 1954) (21 F.R. 365, Jan. 19, 1956) to read as follows:

§ 73.220 Magnesium or zirconium scrap (borings, clippings, shavings, sheets, or turnings).

(a) Magnesium or zirconium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in closed metal drums, metal pails, or wooden barrels.

(b) Magnesium or zirconium scrap consisting of clippings or scrap sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium or zirconium scrap consisting of clippings or scrap sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

Add § 73.238 (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.238 Rocket motors.

(a) Rocket motors (including igniters therefor) must be of a type approved by the Bureau of Explosives and must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15E, or 16A (§§ 78.168, 78.169, 78.172, or § 78.185 of this chapter). Wooden boxes.

(2) Rocket motors packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

(3) Rocket motors may be packed in the same outside shipping container with igniters therefor when approved by the Bureau of Explosives. Igniters must be separately packed in strong inside containers.

NOTE 1. For purposes of § 73.238, rocket motors are propellant devices designed for commercial use, including jet thrust units or jet assist take-off units having as part of the assembly a solid fuel type of propellant other than one classed as a class A or class B explosive and containing no explosive material or element. They must be in a nonpropulsive state when shipped.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.245 add paragraph (a)(23) (15 F.R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) * * *

(23) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles, not over 5 gallons capacity each, as specified by § 78.205–34 of this chapter. Not more than one bottle shall be packed in one outside box.

In § 73.257 add paragraph (a)(14) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) * * *

(14) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, regular slotted style, each having an inside polyethylene, or other suitable plastic, container not over 5 gallons nominal capacity each. Plastic container shall be formed from material having minimum thickness of 0.004 inch and shall be designed so as to result in two complete sealed bags, one within the other, but having a common top seal and a common leak-proof pour spout. The fiberboard boxes shall have a one-piece corrugated fiberboard liner on 4 faces, a locking scored flanged bottom pad, a scored and flanged top tray with supporting filler pieces; all constructed of at least 275 pound test corrugated fiberboard. Completed package, closed as for shipment, with inside container filled with liquid of same specific gravity as material to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside container. Authorized gross weight not over 65 pounds.

In § 73.259 amend the heading and introductory text of paragraph (a); add paragraph (a)(3) (20 F.R. 8102, Oct. 28, 1955) to read as follows:

§ 73.259 Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment and actuating devices.

(a) Electrolyte, acid, or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment and actuating devices, with only one device or outfit in each package, in the amount necessary for operation of the device or equipment, provided the containers of electrolyte, acid, or alkaline corrosive battery fluid, are adequately cushioned to prevent breakage, leakage, or damage to other articles packed therewith, must be packed in specification containers or as otherwise authorized herein, as follows:

* * * * *

(3) Electrolyte, acid, or alkaline corrosive battery fluid, in separate inside acid or alkaline fluid resistant containers not over 5 gallons capacity each included with electronic equipment and actuating devices, are authorized in strong, tightly closed steel drums.

In § 73.263 amend paragraph (a)(15) (23 F.R. 4029, June 10, 1958) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(15) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of completed package must not exceed 65 pounds.

In § 73.271 amend paragraph (a)(9) (25 F.R. 3102, April 12, 1960) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(9) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or § 78.304 of this chapter). Tank cars. Spec. 103A (§ 78.266 of this chapter) tanks must be lead-lined steel or made of steel at least

10 percent nickel clad. Spec 103A–W or 111A100–W–2 (§ 78.281 or § 78.304 of this chapter) tanks must be lead-lined steel or made of steel with a minimum thickness of nickel cladding of 1/16 inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

In § 73.287 amend paragraph (a)(5) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

§ 73.287 Chromic acid solution.

(a) * * *

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open (see § 78.205–34 of this chapter). Not more than one inside container shall be packed in one outside box.

In § 73.294 amend paragraph (a)(2) (25 F.R. 3102, April 12, 1960) to read as follows:

§ 73.294 Monochloroacetic acid, liquid.

(a) * * *

(2) Spec. 103A–N–W or 103A–W (§ 78.299 or § 78.281 of this chapter). Tank cars. Spec. 103A–W (§ 78.281 of this chapter) tank car must be nickel clad at least 20 percent.

In § 73.295 amend paragraph (a)(11) (25 F.R. 3102, April 12, 1960) to read as follows:

§ 73.295 Benzyl chloride.

(a) * * *

(11) Spec. 103A or 103A–W (§ 78.266 or § 78.281 of this chapter). Tank cars which may be 10 percent nickel clad. Authorized for stabilized benzyl chloride only.

Add § 73.297 (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.297 Titanium sulfate solution containing not more than 45% sulfuric acid.

(a) Titanium sulfate solution containing not more than 45% sulfuric acid must be packed in specification containers as follows:

(1) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles, rubber-lined.

(2) Spec. 103B, 103B–W, or 111A100–W–5 (§§ 78.267, 78.282, or § 78.309 of this chapter). Tank cars.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.315 amend paragraphs (a)(1) Table, (i)(11), (j)(1) and (2); add Note 9 to paragraph (a)(1) (23 F.R. 2327, April 10, 1958) (20 F.R. 8103, Oct. 28, 1955) (19 F.R. 1280, Mar. 6, 1954) (15 F.R. 8330, 8331, Dec. 2, 1950) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
(*Change*)				
Dichlorodifluoromethane (see Note 9)	119	See Note 7	ICC–51, MC–330	150
Dichlorodifluoromethane - dichlorotetrafluoroethane mixture (see Note 9).	119	See Note 7	ICC–51, MC–330	150
Dichlorodifluoromethane - monofluorotrichloromethane mixture (see Note 9).	See par. (c) of this section.	See Note 7	ICC–51, MC–330	150
Monochlorodifluoromethane (see Note 9).	105	See Note 7	ICC–51, MC–330	250

* * * * *

NOTE 9: This gas may be shipped as dispersant gas, n.o.s. or refrigerant gas, n.o.s. in accordance with provisions of paragraph (a)(1) table.

* * * * *

(i) * * *

(11) Safety relief valve on chlorine tank motor vehicles shall conform with the standard of The Chlorine Institute, Inc. Dwg. D–13105E, dated April 30, 1958.

(j) * * *

(1) The containers shall comply with the construction requirements of one of the following pressure vessel codes and shall be marked to indicate compliance as specified in the code:

The 1959 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.

The 1956 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.

The 1952 Edition of the Unfired Pressure Vessel Code of the A.S.M.E., no revisions.

The 1950 Edition of the Unfired Pressure Vessel Code of the A.S.M.E., no revisions.

The 1949 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.

The 1951 Edition of the joint Unfired Pressure Vessel Code of the A.P.I. and A.S.M.E., no revisions.

The 1943 Edition of the joint Unfired Pressure Vessel Code of the A.P.I. and A.S.M.E.

(2) Each container shall be equipped with safety devices in compliance with the requirements for safety devices on containers as specified in the National Board of Fire Underwriters Pamphlet No. 58 "Standards for the Design, Installation and Construction of Containers and Pertinent Equipment for the Storage and Handling of Liquefied Petroleum Gases", 1959 Edition.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.409 amend the introductory text of paragraph (b); cancel paragraph (b)(2) (20 F.R. 8105, Oct. 28, 1955) (25 F.R. 3103, April 12, 1960) to read as follows:

§ 73.409 Poisonous articles and tear gas labels.

* * * * *

(b) Label for shipment of poisonous articles, class B or class C, by air must be as shown in the following:

* * * * *

(2) [Canceled.]

In § 73.430 amend paragraphs (b) and (c) (15 F.R. 8344, Dec. 2, 1950) (20 F.R. 8106, Oct. 28, 1955) to read as follows:

§ 73.430 Certificate.

* * * * *

(b) For the relief of shippers from multiplicity of certifications required for packages which may move by various means of transportation, shipments may be certified for rail, motor vehicle, water, or air transportation by adding to the certificate required on the shipping document "and the Commandant of the Coast Guard," or "and the Administrator of the Federal Aviation Agency," as the case may be.

(c) Shipping papers for shipments made by air between the United States and other countries shall be certified in duplicate with certificate signed by the shipper reading as follows:

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Administrator of the Federal Aviation Agency. (For shipment on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger carrying aircraft.)

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.526 amend the introductory text of paragraph (n) (22 F.R. 7838, Oct. 3, 1957) to read as follows:

§ 74.526 Loading explosives into cars.

* * * * *

(n) Container cars or portable containers on flat cars or gondola cars (drop-bottom cars not authorized), when properly loaded, blocked, and braced to prevent change of position under conditions incident to normal transportation, may be used for any class A explosive except black powder packed in metal containers. Portable containers must be of a type approved by the Bureau of Explosives. They must be designed and maintained so as to be weather-tight and so constructed that sparks cannot enter. Wooden containers must be painted or treated with fire-retardant material of a type approved by the Bureau of Explosives.

In § 74.532 amend the introductory text of paragraph (i) (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

* * * * *

(i) Compressed gases in cylinders: Cylinders containing compressed gases must be loaded on their sides except when packed in boxes or crates, or when placed in suitable permanent racks in cars, or when securely braced. Spec. ICC–4L (§ 78.57 of this chapter) cylinders must be loaded in an upright position and be securely braced.

Subpart C—Placards on Cars

In § 74.546 amend paragraph (g) (15 F.R. 8351, Dec. 2, 1950) to read as follows:

§ 74.546 Placards must be standard.

* * * * *

(g) Placards remaining on hand and in compliance with § 74.552(a) or § 74.553(a) in effect on June 19, 1960, may be used until present stocks are exhausted.

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.660 amend the introductory text of paragraph (a) (25 F.R. 3104, April 12, 1960) to read as follows:

§ 75.660 Violations and accidents or fires must be reported.

(a) Violations and accidents or fires must be reported promptly by the express carrier to the Bureau of Explosives, 63 Vesey Street, New York 7, New York, as follows:

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.840 amend paragraphs (a) (1) and (c) (15 F.R. 8367, Dec. 2, 1950) (23 F.R. 2329, April 10, 1958) to read as follows:

§ 77.840 Compressed gases.

(a) * * *

(1) *Cylinders, horizontal.* Cylinders containing compressed gases shall be loaded in a horizontal position unless packed in boxes or crates of such dimensions as to prevent their overturning, or unless loaded into racks securely attached to the motor vehicle, or unless so securely lashed in an upright position as to prevent their overturning. Spec. ICC–4L (§ 78.57 of this chapter) cylinders must be loaded in an upright position and be securely braced.

* * * * *

(c) Tanks complying with ICC–106A or ICC–110A (§§ 78.275, 78.276, 78.293, or § 78.295 of this chapter) specifications used for the transportation of compressed gases and flammable liquids as authorized in §§ 73.314(a) and 73.134 (a)(2) of this chapter may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560(b)(1) of this chapter.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–34 amend the heading and paragraph (a) (24 F.R. 8060, Oct. 6, 1959) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–34 Special box; authorized only for a polyethylene, or other suitable plastic, tight-fitting inside container having a minimum wall thickness of 0.015 inch and so designed as to maintain its configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. Complete package, closed as for shipment with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds.

Subpart H—Specifications for Portable Tanks

Add § 78.246 (15 F.R. 8484, Dec. 2, 1950) to read as follows:

§ 78.246 Specification 52; aluminum portable tanks.

§ 78.246–1 Compliance.

(a) Required in all details.

§ 78.246–2 Composition and capacity.

(a) Tanks shall be constructed of aluminum base alloy at least 96 percent pure, or other aluminum base alloys of equivalent strength and physical properties suitable for use with the commodity to be transported therein and having a capacity not over 400 gallons.

§ 78.246–3 Construction.

(a) Tanks shall be of all welded fabrication. Welding shall be performed in a workmanlike manner using suitable welding materials. Tanks shall be formed of material at least 0.250 inch thick; material shall comply with the requirements of § 78.246–2. Cubical containers shall have corners reinforced with suitable pads or legs efficiently welded thereto.

§ 78.246–4 Openings and closures.

(a) Tanks shall have one fill opening with properly gasketed positive type closure and may have one threaded flange opening not over 2.3 inches in diameter which must be provided with secure gasketed closure plug. Bottom discharge opening not over 3 inches in diameter authorized.

§ 78.246–5 Tank mountings.

(a) Tanks shall be designed and fabricated with mountings to provide a secure base in transit. "Skids" or similar devices shall be deemed to comply with this requirement.

(b) All tank mountings such as skids, fastenings, brackets, cradles, lifting lugs, etc., intended to carry loadings shall be permanently secured to tanks in accordance with the requirements under which the tanks are fabricated and shall be designed with a factor of safety of four, and built to withstand loadings in any direction equal to two times the weight of the tanks and attachments when filled with water.

§ 78.246–6 Tests.

(a) Each tank shall be tested by introduction of at least 2 pounds sustained air pressure during which time all welded areas shall be examined for leakage by coating entire welded seam area with soap suds. Areas that show leakage in this test may be repaired by welding and must be retested to determine efficiency.

§ 78.246–7 Marking.

(a) Marking on each container in an unobstructed area, by embossing or diestamping on the container, or on a metal plate securely attached by welding, in letters and figures at least ⅜ inch in height, as follows:

(1) ICC–52 * * * (stars to be replaced by rated gallonage capacity). These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or user assuming responsibility with specification requirements. Symbol letters must be registered with the Bureau of Explosives.

Subpart I—Specifications for Tank Cars

In § 78.270–1 amend paragraph (a) (21 F.R. 4576, June 26, 1956) to read as follows:

§ 78.270 Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.

§ 78.270–1 Type.

(a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited except as provided in Part 73 of this chapter.

In § 78.294–1 amend paragraph (a) (25 F.R. 3112, April 12, 1960) to read as follows:

§ 78.294 Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.294–1 Type.

(a) Tanks built under this specification must be cylindrical, with heads de-

signed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover. Other openings in the tank are prohibited.

In § 78.300–1 amend paragraph (a) (25 F.R. 3113, April 12, 1960) to read as follows:

§ 78.300 Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300–1 Type.

(a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

In § 78.308–1 amend paragraph (a) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.308 Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–1 Type.

(a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

In § 78.330–11 amend paragraph (a) (24 F.R. 5644, July 14, 1959) to read as follows:

§ 78.330 Specification MC 310; cargo tanks.

§ 78.330–11 Joints.

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only.

In § 78.336–1 amend paragraph (b); in § 78.336–5 amend paragraph (a); in § 78.336–7 amend paragraph (a) (20 F.R. 8115, 8116, Oct. 28, 1955) (23 F.R. 2336, April 10, 1958) to read as follows:

§ 78.336 Specification MC 330; steel cargo tanks.

§ 78.336–1 Requirements for design and construction.

* * * * *

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

EXCEPTIONS: (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 103–3, dated January 23, 1958. There shall be no other opening in the tank.

(2) The openings for liquid level gauging devices, or for safety devices may be installed separately at the other location or in the side of the shell.

(3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere.

(4) Loading and unloading connections may be located in the bottom of the tank.

* * * * *

§ 78.336–5 Protection of valves and accessories.

(a) All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

EXCEPTIONS: (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc., Dwg. 107–2, dated June 4, 1959 and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

§ 78.336–7 Report.

(a) A copy of the manufacturer's data report required by the "Code" (see § 78.336–1 (a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives, 63 Vesey Street, New York 7, New York. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

[No change in the Report Form.]

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5(a) Commodity list; provides amendments, additions and cancellation to keep the Commodity List current.

73.32(a)(2); provides a greater load limitation for specs. 51 and 60 portable tanks transported by water.

73.33(a)(1); provides a greater load limitation for cargo tank containers transported by water.

73.33(o)(4); cites the current Chlorine Institute Dwgs. to which the angle valves and excess-flow valves on chlorine tank motor vehicles must conform.

73.56 Introductory text and (d); provides packaging requirements for gas mines, explosive.

73.92(a)(4); to clarify that igniters, class B, only, are permitted in same outside shipping container with jet thrust units, class B.

73.94(d); provides for labeling of outside containers of explosive power devices, class B, by rail express.

73.100(aa); deletes reference to specific content of explosive composition in explosive power devices, class C.

73.122(a)(1); authorizes the use of spec. 5B metal drum for acrolein, inhibited.

73.124(a) (5), (6); combines the requirements of paragraph (a)(6) with (a)(5); provides for the use of spec. 105A200–W tank car; authorizes the openings in tank heads to facilitate the application of nickel linings in tank car tanks in ethylene oxide service.

73.128(a)(3); authorizes new spec. 52 aluminum portable tank for paints and related materials.

73.132(a)(2); authorizes new spec. 52 aluminum portable tank for liquid cements.

73.134(a), (a)(2), (b); to provide specification packaging requirements for additional pyroforic types of fuels; to provide filling density for specs. 106A500 and 106A500X tank car tanks and to provide for motor vehicle transportation of these tanks.

73.134(a)(3); to eliminate superfluous reference to design pressure of spec. 51 portable tank.

73.134(a)(4); to authorize the use of spec. MC 330 tank motor vehicle.

73.136(a)(3); to authorize spec. 5B metal drum for methyl dichlorosilane and trichlorosilane.

73.141(a)(7); authorizes the use of spec. 103–W tank car having bottom outlets sealed for transportation of mercaptans.

73.145(a)(6); to provide for the use of spec. 105A–W series tank cars and spec. 111A100–W–4 tank car for dimethylhydrazine, unsymmetrical.

73.206(a)(3); to provide for the shipment of lithium metal in spec. 17E, 17H, 37A or 37B metal drums.

73.207(b)(7); to provide for the use of spec. 12A fiberboard box with inside glass bottles for sulfide of sodium or sulfide of potassium.

73.220 Entire section; to provide packaging requirements for the shipment of zirconium scrap.

73.238 Entire section; to provide packaging requirements for the transportation of rocket motors of the flammable solid type.

73.245(a)(23); to provide for the use of spec. 12B fiberboard box with inside polyethylene bottles for acids or other corrosive liquids, n.o.s.

73.257(a)(14); to provide for the shipment of electrolyte (acid) or corrosive battery fluid in spec. 12B fiberboard box having an inside polyethylene or other suitable plastic container not over 5 gallons nominal capacity.

73.259 Heading, (a), (a)(3); to authorize the shipment of certain corrosive liquids with electronic equipment including actuating devices.

73.263(a)(15); to provide for the shipment of muriatic acid and mixtures or solutions thereof in spec. 12A fiberboard box with inside containers of polyethylene or other suitable plastic material not over 1 gallon capacity each.

73.271(a)(9); the phrase pertaining to openings in tank heads to facilitate nickel cladding operations has been deleted inasmuch as openings are permitted by the individual tank car specifications.

73.287(a)(5); clarifies that only one inside polyethylene container is authorized for spec. 12B fiberboard box used for chromic acid solution.

73.294(a)(2); same as § 73.271(a)(9).

73.295(a)(11); same as § 73.271(a)(9).

73.297 Entire section; to provide for the transportation of titanium sulfate solution in tank cars and tank motor vehicles.

73.315(a)(1) table, Note 9; to permit the shipment of certain compressed gases under the description of dispersant gas, n.o.s. or refrigerant gas, n.o.s. in spec. MC 330 cargo tanks or spec. 51 portable tanks.

73.315(i)(11); requires safety relief valves on chlorine tank motor vehicles to conform with the current Chlorine Inst. drawings.

73.315(j)(1); to authorize the transportation of liquefied petroleum gas storage containers constructed in compliance with the 1956 or 1959 edition of the Unfired Pressure Vessel Code of the A.S.M.E.

73.315(j)(2); to cite the current edition of the National Board of Fire Underwriters Pamphlet No. 58 relative to safety devices on LPG storage containers.

73.409(b), (b)(2); to identify the classes of poisonous articles acceptable for air transportation; paragraph (b)(2) is deleted since IATA regulations make use of but one label for poisons.

73.430(b), (c); to make consistent with other similar provisions that cite the Federal Aviation Agency as the authority for air regulations.

74.526(n); to require portable containers used for class A explosives to be weathertight and so constructed that sparks cannot enter; to require that fire-retardant material be of a type approved by the Bureau of Explosives.

74.532(i); to clarify the loading and bracing requirements applicable to spec. 4L cylinders in cars.

74.546(g); to permit the use of outdated "DANGEROUS" and "DANGEROUS-RADIOACTIVE MATERIAL" placards until present stocks are depleted.

75.660(a); to correct a typographical error by inserting "as follows:" as the last two words.

77.840(a)(1); to clarify the loading and bracing requirements applicable to spec. 4L cylinders in motor vehicles.

77.840(c); to provide for motor vehicle transportation of flammable liquids of the pyroforic fuels type in ICC–106A or 110A type tank cars.

78.205–34 Heading and (a); to clarify that only one inside container is authorized for spec. 12B fiberboard box of this type.

78.246 Entire section; to provide for the construction of new spec 52, aluminum portable tanks.

78.270–1(a); to permit opening in spec. 105A100 tank car tank head to facilitate application of nickel cladding.

78.294–1(a); deletes the statement providing for other openings in spec. 105A100–AL–W tank heads inasmuch as aluminum tank car tanks would not be lined.

78.300–1(a); reason for § 78.294–1 applies also to spec. 105A300–AL–W tank cars.

78.308–1(a); reason for § 78.294–1 applies also to spec. 105A200–AL–W tank cars.

78.330–11(a); to withdraw the provision permitting heat treating or peening welded joints of spec. MC 310 cargo tanks used for transporting hydrogen peroxide of concentration exceeding 52 percent by weight.

78.336–1(b); cites the current Chlorine Inst. Dwg. to which the dome cover plate on spec. MC 330 chlorine cargo tanks must conform.

78.336–5(a); cites the current Chlorine Inst. Dwg. to which the protective housing and cover plate for valves and accessories on spec. MC 330 chlorine cargo tanks must conform.

78.336–7(a); to show the change of address of the Bureau of Explosives.

[F.R. Doc. 60–4823; Filed, May 27, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII GENERAL INCREASES IN RATES

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates indicated below, the following Thirty-Second and Thirty-Third Supplemental Orders to the original order in this proceeding dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

THIRTY-SECOND SUPPLEMENTAL ORDER—DATED MAY 16, 1960

It appearing that by the Original Order (as amended) in Docket 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on April 28, 1960, Matson Navigation Company filed Special Permission No. 59 seeking authority to publish, post and file the following:

1. On 30 days' notice, a consecutively numbered supplement to, and directing the cancellation of, Container Freight Tariff No. 11, F.M.B.–F. No. 97. Said Tariff names container rates for ocean transportation, pickup and delivery service, between San Francisco and Los Angeles on the one hand, and Honolulu, on the other.

2. On 1 day's notice, consecutively numbered revised pages to Container Freight Tariff No. 11, F.M.B.–F. No. 97, in order to establish certain rate items on refrigerated cargo, which rates will expire simultaneously with the cancellation of the Tariff.

3. On 30 days' notice, a consecutively numbered supplement to, and directing the cancellation of, Freight Tariff No. 13, F.M.B.–F. No. 106. Said Tariff names container rates for ocean transportation between Stockton, California, and Honolulu, Hawaii.

4. On 30 days' notice, Westbound Container Freight Tariff No. 14, F.M.B.–F. No. 109. Said Tariff will name single factor pickup and delivery rates for the westbound portion of the California-Hawaii service. These westbound rates are identical to the westbound portion of proposed Tariff No. 11–A, F.M.B.–F. No. 109, which Matson had previously been granted special permission authority to file on 30 days' notice under Special Permission No. 3822 and Twenty-Eighth Supplemental Order herein.

5. On 30 days' notice, Eastbound Container Freight Tariff No. 15, F.M.B.–F. No. 110. Said Tariff will name identical freight station to freight station (with yard to yard option) rates from Hawaii to Pacific Coast as are currently named in F.M.B.–F. No. 97. In addition, the proposed tariff will establish a number of refrigerated rate items applicable only to eastbound service.

It further appearing that the Board having found good cause therefor has on May 16, 1960, granted special permission to publish such changes on 30 days' notice and on 1 day's notice, as appropriate, under Special Permission No. 3836, such special permission to be without prejudice to the right of the Board to suspend such schedules within the notice period, either upon receipt of protest thereto or upon its own motion.

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3836; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

THIRTY-THIRD SUPPLEMENTAL ORDER—DATED MAY 12, 1960

It appearing that on April 14, 1960, pursuant to Special Permission No. 3821 granted by the Board and Twenty-Seventh Supplemental Order herein dated March 31, 1960, Matson Navigation Company filed certain consecutively numbered revised pages to F.M.B.–F. Nos. 97 and 105, and consecutively numbered supplements to F.M.B.–F. Nos. 87 and 91 to become effective on May 14, 1960, except as to F.M.B.–F. No. 97, to become effective on May 16, 1960, in order to restore the 12½ percent increase previously effective on the following rate items:

F.M.B.–F. No. 87

(1) Item 135–B.
(2) Item 516–B.
(3) Item 635–C.
(4) Item 820–B.
Also amend Rule 30(c) accordingly.

F.M.B.–F. No. 91

(1) Item 5–1.
(2) Item 15–C.
(3) Item 10–G.
Also extend the expiration dates of the above Items 5–1 and 10–G from April 30 to August 31, 1960.

F.M.B.–F. No. 105

(1) Item 5A.
(2) Item 10A.

F.M.B.–F. No. 97

(1) Items 336 and 341.
Cancel *Note C* accordingly.
(2) Items 346 and 351.
Cancel *Note B* accordingly; and

It further appearing that Matson Navigation Company, and Oceanic Steamship Company and American President Lines, Ltd. as participating carriers, have agreed (1) to keep account of all freight monies received by reason of the increased rates for a period commencing with the effective date of said increases and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the increased rates, and (2) to refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected through assessment of the increased rates during the said period which may be in excess of those rates determined by the Board to be just and reasonable;

It is ordered, That Matson Navigation Company, Oceanic Steamship Company and American President Lines, Ltd., (1) keep account of all freight monies received by reason of the increased rates for a period commencing with the effective date of said increases and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the increased rates, and (2) refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected through assessment of the increased rates during the said period which may be in excess of those rates determined by the Board to be just and reasonable; and

It is further ordered, That no change shall be made in the rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It is further ordered, That the rates, charges, regulations and practices set forth in the foregoing tariff schedules shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein, and that this order be published in the FEDERAL REGISTER.

Dated: May 25, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–4839; Filed, May 27, 1960; 8:49 a.m.]

[Agreement No. 116, as amended]

PUERTO RICO AND ST. THOMAS SECTION OF ASSOCIATION OF WEST INDIA TRANS-ATLANTIC STEAM SHIP LINES

Notice of Request for Cancellation of Conference Agreement

Notice is hereby given that the following carriers:

Campagnie Generale Transatlantique (French Line).
Compania Trasatlantica Espanola S.A. (Spanish Line).
The East Asiatic Company, Ltd. (A/S Det Østasiatiske Kompagni).
Flota Mercante Grancolombiana, S.A.
Hamburg America Line.
Horn Line.
"Italia" Societa per Azioni di Navigazione.
Marina Mercante Nicaraguense S.A. (Mamenic Line).
Fred Olsen & Company.
Rederiaktiebolaget Nordstjernan (Johnson Line).
Royal Mail Lines, Ltd.
Royal Netherlands Steamship Company, and Bull-Insular Line, Inc. (Associate Line).

the present parties to Agreement No. 116, as amended, have requested cancellation of said agreement, as amended, which covers an understanding of such carriers to adhere to the rates and conditions mutually agreed upon with respect to traffic between Europe and Puerto Rico and St. Thomas, V.I.

Any written statements, comments or protests with respect to the cancellation of Agreement No. 116, as amended, pursuant to section 15 of the Shipping Act, 1916, or requests for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER.

Dated: May 25, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-4840; Filed, May 27, 1960; 8:49 a.m.]

MEMBER LINES OF ATLANTIC PASSENGER STEAMSHIP CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7840-37, between the member lines of the Atlantic Passenger Steamship Conference, modifies the basic agreement of that conference (No. 7840, as amended), which governs all Atlantic passenger traffic of such lines between European, Mediterranean and Black Sea countries, also Morocco, Madeira and the Azores Islands, on the one hand, and ports on the East Coast of North America, including United States, Canada and Newfoundland, and United States Gulf ports, on the other hand. The purpose of the modification is to provide (1) that the time within which decisions in arbitration proceedings are required to be rendered under the present terms of the argeement may be extended by agreement of the parties involved in the arbitration, and (2) that expenses incurred by the court of arbitrators or umpire, will be charged to one or more member lines, as decided by the arbitrators or umpire, rather than to the conference as presently provided.

(2) Agreement No. 8351-1, between Concordia Line A/S and Fred. Olsen & Co. (carriers comprising the Concordia Line—Great Lakes Service joint service), modifies the approved agreement of that joint service (No. 8351), covering the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, on the one hand, and ports in the Mediterranean and adjacent seas, on the other hand. The purpose of the modification is to include a provision that, in case of any trades within the scope of the agreement where the rates, charges and practices are not established by an approved conference or other agreement to which the parties to Agreement No. 8351 are members or parties, said parties may establish their own rates, etc., which shall be filed with the Board.

(3) Agreement No. 8358-1, between Concordia Line A/S and Fred. Olsen & Co. (carriers comprising the Concordia Line-Great Lakes Service joint service) and Aktieselskapet Luksefjell, Aktieselskapet Dovrefjell, Aktieselskapet Falkefjell and Aktieselskapet Rudolph and Oranje Lijn (Maatschappij Zeetransport) N.V. (carriers operating as the Niagara Line joint service), modifies approved Agreement No. 8358, covering a sailing and pooling arrangement in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, on the one hand, and ports in the Mediterranean and adjacent seas, on the other hand. The purpose of the modification is to include a provision that, in case of any trades within the scope of the agreement where the rates, charges and practices are not established by an approved conference or other agreement to which the parties to Agreement No. 8358 are members or parties, said parties may establish their own rates, etc., which shall be filed with the Board.

(4) Agreement No. 8443, between Lykes Bros. Steamship Co., Inc., and Moore-McCormack Lines, Inc. (Robin Line Division), covers a through billing arrangement in the trade from base ports and outports in Madagascar to U.S. Gulf ports, with transhipment at Portuguese East African and South African ports.

(5) Agreement No. 8455, between North Carolina State Ports Authority, Champion Compress Warehouse and Sprunt Docks owned and operated by The Sprunt Corporation, South Carolina State Ports Authority, Georgia Ports Authority and Brunswick Port Authority, provides for the creation of an association to be known as the "South Atlantic Ports Association" and that the Association and/or its individual members shall establish, maintain, publish and file tariffs containing just and reasonable rates, charges, classifications, rules, regulations and practices at terminals located at the ports on the U.S. South Atlantic Coast, as named in the tariffs of the parties thereto. This agreement when approved will supersede and cancel South Atlantic Marine Terminal Association Agreement No. 7835.

(6) Agreement No. 8457, between Flota Mercante Grancolombiana, S.A. and Aktiebolaget Svenska Amerika Linien (Swedish American Line), covers the establishment and maintenance of a joint service and pooling arrangement in the trade, both southbound and northbound, between Canadian St. Lawrence and East Coast ports and Cuban and Mexican East Coast ports, calling en route at U.S. Atlantic and Gulf ports.

(7) Agreement No. 8457-1, modifies Agreement No. 8457, described above, to set forth the addresses of the parties to the agreement to which all notices, etc., given under the agreement shall be mailed.

(8) Agreement No. 8465, between Lykes Bros. Steamship Co., Inc., and Moore-McCormack Lines, Inc. (Robin Line Division), covers a through billing arrangement in the trade from U.S. Gulf ports to baseports and outports in Madagascar, with transhipment at Portuguese East African and South African ports.

(9) Agreement No. 8487, between N. V. Stoomvaart Maatschappij "Nederland" and Koninklijke Rotterdamsche Lloyd, N. V., covers a sailing arrangement in the trade from Hong Kong, Philippine Islands, Thailand, Cambodia, Viet-Nam, Malaya, Singapore, Indonesia, India, Ceylon and Pakistan to U.S. Great Lakes ports, via wayports in the Indian Ocean, Red Sea and the Mediterranean.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 25, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-4841; Filed, May 27, 1960; 8:49 a.m.]

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8005-3, between American Export Lines, Inc., Bull-Insular Lines, Inc., American Stevedores, Inc., Packet Shipping Corporation, et al.,

modifies approved Agreement No. 8005, as amended, which provides (1) for establishment and maintenance of rates, charges, classifications, rules, regulations and practices with respect to services of loading and unloading of cargo onto or from trucks in the Port of Greater New York and vicinity and (2) for the fixing of free time and demurrage, rates and charges only in the trades not covered by an approved section 15 agreement. The purpose of the modification is to amend Agreement No. 8005, as amended, by providing for fixing of charges for the service of loading and unloading lighters and barges at piers operated by the parties thereto.

(2) Agreement No. 8475 between Oahu Railway and Land Company and Matson Navigation Company provides that the Oahu Railway and Land Company will grant Matson Navigation Company priority right to the use of Piers 19, 20, 31, 32, and 33, at Honolulu, Hawaii, for the docking of its vessels and a priority right to use Terminals at said Piers and Lots Q and R for the loading, discharge, handling, receipt and delivery of cargo, subject to the conditions set forth in the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 25, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-4842; Filed, May 27, 1960; 8:49 a.m.]

Maritime Administration

[Docket No. S-73 (Sub. No. 1)]

WATERMAN STEAMSHIP CORP.

Notice of Application and of Hearing

Notice is hereby given of the application of Waterman Steamship Corporation for written permission of the Federal Maritime Board, under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to continue, if and after it is awarded a subsidy contract, to operate in the domestic coastwise service between United States Pacific Coast ports and ports in Puerto Rico. This application may be inspected, by interested parties, in the Hearing Examiners' Office, Federal Maritime Board.

A hearing on the application has been set before Examiner E. C. Johnson for June 15, 1960, at 10:00 a.m., e.d.t., in Room 4458, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before June 10, 1960, notify the Secretary, Federal Maritime Board in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board, petitions for leave to intervene received after June 10, 1960, will not be granted in this proceeding.

Dated: May 25, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-4843; Filed, May 27, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 5463 etc.]

REOPENED PACIFIC NORTHWEST LOCAL AIR SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on June 8, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 25, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-4845; Filed, May 27, 1960; 8:50 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE-AGREEMENT NEGOTIATIONS UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Notice of Application and Hearings

Submission of information to the Committee for Reciprocity Information.

Closing date for applications to appear at hearing June 27, 1960.

Closing date for submission of briefs June 27, 1960.

Public hearings open July 11, 1960.

The Interdepartmental Committee on Trade Agreements has issued on this day[1] a notice of intention to conduct trade agreement negotiations under the General Agreement on Tariffs and Trade with foreign governments which are contracting parties to that agreement and with the Governments of Israel, Spain, Switzerland, and Tunisia, or with instrumentalities of any such foreign governments, and including in each case areas in respect of which such governments or instrumentalities thereof have authority to conduct trade agreement negotiations.

[1] See F.R. Doc. 60-4799, *infra*.

Annexed to the notice of the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered for possible concessions in the negotiations. A list of export articles on which the United States is considering requesting tariff or other trade concessions from one or more of the governments or instrumentalities referred to above is being issued today in Department of State Publication No. 6987, pursuant to authorization of the Interdepartmental Committee on Trade Agreements.

Pursuant to paragraph 5 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949-1953 Comp. pp. 281, 355), the Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to any aspect of the proposed negotiations shall be submitted to the Committee for Reciprocity Information not later than June 27, 1960. The application must indicate the import or export article or articles on which the applicant desires to be heard and an estimate of the time required for oral presentation. All persons who make application to be heard shall also submit to the Committee their views in writing in regard to the foregoing proposals not later than June 27, 1960. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C." Fifteen copies of written statements, either typed, printed, or duplicated, shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of the Committee for Reciprocity Information".

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 2:00 p.m. on July 11, 1960, in the Hearing Room in the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons or groups interested in import articles may present to the Committee their views concerning possible tariff concessions by the United States on any article, whether or not included in the list annexed to the notice of intention to negotiate. However, as indicated in the notice of intention to negotiate, no tariff reduction or specific continuance of customs or excise treatment will be considered on any article which is not included in the list annexed to the public notice by the Interdepartmental Committee on

Trade Agreements, unless it is subsequently included in a supplementary public list (or in a prior list in the case of a continued negotiation of compensatory adjustments).

Persons or groups interested in export articles may present their views regarding any tariff or other trade concessions that might be requested of the foreign governments, or instrumentalities thereof, with which negotiations are to be conducted, whether or not such articles are included in the list of export articles published today by the Department of State, and may specify the governments or instrumentalities from which such concessions might be requested. Any other matters appropriate to be considered in connection with the proposed negotiations may also be presented.

The United States Tariff Commission has today [2] announced public hearings on the import items appearing in the list annexed to the notice of intention to negotiate to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, interested persons may present oral testimony with regard to import articles included in the foregoing list at the Tariff Commission hearings only, but they may, if they wish, appear also before the Committee for Reciprocity Information.

Copies of the list of import articles attached to the notice of intention to negotiate being issued by the Interdepartmental Committee on Trade Agreements and of the list of export articles being issued by the Department of State may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

By direction of the Committee for Reciprocity Information this 27th day of May 1960.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F.R. Doc. 60-4798; Filed, May 27, 1960; 12:00 m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Pursuant to section 4 of the Trade Agreements Act approved June 12, 1934, as amended (43 Stat. 945, ch. 474; 65 Stat. 73, ch. 141), and to paragraph 4 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949-1953 Comp., pp. 281, 355), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to conduct trade agreement negotiations under the General Agreement on Tariffs and Trade with foreign governments which are contracting parties to that agreement and with the Governments of Israel, Spain, Switzerland, and Tunisia, or with instrumentalities of any such foreign governments and including in each case areas in respect of which such governments or instrumentalities thereof have authority to conduct trade agreement negotiations. It is proposed to enter into negotiations with these governments or instrumentalities for the purpose of negotiating mutually advantageous tariff or other trade concessions to be embodied in schedules to be applied under the General Agreement on Tariffs and Trade. It is anticipated that contracting parties or instrumentalities thereof will also negotiate, under provisions of the Agreement, compensatory adjustments in relation to action taken or to be taken with respect to existing concessions, such as, but not limited to, (i) the granting by the European Economic Community, under paragraph 6 of Article XXIV, of concessions compensatory for increases in duties, beyond those now permitted by the schedules of members of the Community, resulting from formation of the common external tariff of the Community and (ii) the continuation of negotiations, previously announced and commenced by the United States under Article XIX, for the granting of concessions compensatory for certain escape clause action taken under that Article.

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations of which notice is given above.

The articles proposed for consideration in the negotiations are identified in the annexed list by specifying the numbers of the paragraphs in the tariff schedules of Title I and Title II of the Tariff Act of 1930, as amended, in which they are provided for together with the language used in such tariff paragraphs to provide for such articles, except that where necessary the statutory language has been modified in order to narrow the scope of the original language. Where no qualifying language is used with regard to the type, grade, value, et cetera, of any listed article, all types, grades, values, et cetera, of the article covered by the language used are included. In case of any listed article that is subject to an import tax under the Internal Revenue Code of 1954, as amended, the tax on such article will be considered for possible modification or binding against increase.

In the case of each article in the list with respect to which the corresponding product of Cuba is now entitled to preferential treatment, the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included, specifically or by reference, in the annexed list or unless it is subsequently included in a supplementary public list or has already been included in a prior list published in relation to a negotiation for compensatory adjustments which is being continued as part of the negotiations announced herein. Except where otherwise indicated in the next sentence of this notice or in the list itself, only duties imposed under the paragraphs of the Tariff Act of 1930 specified in the list, with regard to articles included in such paragraphs, and import taxes applicable to any such articles under the Internal Revenue Code of 1954 will be considered for a possible decrease, but additional or separate duties or taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph or section will not be nullified. In addition, any action which might be taken with respect to basic duties on products may involve action with respect to compensatory duties imposed on manufactures containing such products.

In the event that an article which as of February 1, 1960, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade-agreement negotiations, the list will nevertheless be considered as including such article.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082, as amended, information and views on any aspect of the proposals, including the list of articles, announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date [1] issued by that Committee. Persons interested in export articles may wish to express their views regarding any tariff or other trade concessions that might be requested of foreign governments, or instrumentalities thereof, with which negotiations are to be conducted, whether or not such articles are included in the list of export articles on which the United States is considering requesting such concessions, issued today, in Department of State Publication No. 6987, pursuant to authorization of the Interdepartmental Committee on Trade Agreements. Any other matters appropriate to be considered in connection with the negotiations proposed above may also be presented.

Public hearings, in connection with the "peril point" investigation of the United States Tariff Commission, pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, with respect to the articles included in the list annexed to this notice, are the subject of an announcement of this date issued by that Commission.[2]

[1] See F.R. Doc. 60-4798, *supra*.

[2] See F.R. Doc. 60-4800, *infra*.

By direction of the Interdepartmental Committee on Trade Agreements this 27th day of May 1960.

JOHN A. BIRCH,
Chairman, Interdepartmental Committee on Trade Agreements.

LIST OF ARTICLES IMPORTED INTO THE UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST

Schedule 1. Chemicals, Oils, and Paints

Paragraph 1. Acetic acid; acetic anhydride; citric acid; lactic acid, containing by weight of lactic acid 55 per centum or more; tartaric acid; acids and acid anhydrides not specially provided for (except barbituric acids, naphthenic acids, and stearic acid).

Paragraph 2. Acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldenhyde; ethylene chlorohydrin, propylene chlorohydrin, butylene chlorohydrin; ethylene dichloride, propylene dichloride, butylene dichloride; ethylene oxide, propylene oxide, butylene oxide; ethylene glycol, propylene glycol, butylene glycol, and all other glycols or dihydric alcohols; monoethanolamine, diethanolmaine, triethanolamine, ethylene diamine, and all other hydroxy alkyl amines and alkylene diamines; allyl alcohol, crotonyl alcohol, vinyl alcohol, and all other olefin or unsaturated alcohols; homologues and polymers of all the foregoing; ethers, esters, salts and nitrogenous compounds of any of the foregoing, whether polymerized or unpolymerized; and mixtures in chief value of any one or more of the foregoing; all the foregoing not specially provided for.

Paragraph 3. Acetone and ethyl methyl ketone, and their homologues, and acetone oil.

Paragraph 4. Alcohol: Amyl, hexyl, and propyl, all the foregoing whether primary, secondary, or tertiary; fusel oil; mixtures in chief value of any one or more of amyl alcohol, butyl alcohol, hexyl alcohol, propyl alcohol, or fusel oil; ethyl for nonbeverage purposes only.

Paragraphs 5 and 23. All chemical elements, all chemical salts and compounds, all medicinal preparations, and all combinations and mixtures of any of the foregoing, all the foregoing obtained naturally or artificially, and not specially provided for, and whether or not in any form or container specified in paragraph 23, Tariff Act of 1930:

Ammonium compounds (except ammonium silico-fluoride); barium compounds; beryllium oxide or carbonate; butyrolactone; calcium hypochlorite; chlorine; derivatives of barbituric acid; dicalcium phosphate; ergotamine tartrate; ergot derivatives; fatty alcohols and fatty acids, sulphated, and salts of sulphated fatty acids; germanium dioxide; germanium metal; magnesium salts and compounds; monosodium glutamate preparations; potash salts; products chiefly used as assistants in preparing or finishing textiles; salts derived from vegetable oils, animal oils, fish oils, animal fats or greases, or from fatty acids thereof; salts and compounds of gluconic acid and combinations and mixtures of any such salts or compounds; sodium compounds; 2-pyrrolidone; N-methyl-2-pyrrolidone; and vitamins.

Paragraph 6. Potassium aluminum sulphate or potash alum; ammonium aluminum sulphate or ammonia alum; aluminum sulphate, alum cake or aluminous cake; aluminum salts and compounds not specially provided for.

Paragraph 7. Ammonium carbonate and bicarbonate; and ammonium chloride.

Paragraph 8. Antimony: Oxide; tartar emetic or potassium-antimony tartrate; antimony salts and compounds not specially provided for (not including sulphides).

Paragraph 9. Cream of tartar.

Paragraph 10. Balsams: Copaiba, fir or Canada, Peru, styrax, and all other balsams (not including tolu), all the foregoing which are natural and uncompounded and not containing alcohol.

Paragraph 11. Synthetic resins not specially provided for: Acrylic, alkyd (nonbenzenoid), melamine, polyamide, polyethylene, polyfluoroethylene, rosin ester, silicone, and urea resins, mixtures of urea and melamine resins, and synthetic resins made in chief value from vinyl acetate.

Paragraph 12. Barium carbonate, precipitated; barium chloride; barium hydroxide; barium nitrate.

Paragraph 13. Blackings, powders, liquids, and creams for cleaning or polishing, not specially provided for, and not containing alcohol.

Paragraph 14. Bleaching powder or chlorinated lime.

Paragraph 15. Theobromine.

Paragraph 16. Calcium carbide.

Paragraph 17. Calomel, corrosive sublimate, and other mercurial preparations.

Paragraph 18. Carbon tetrachloride.

Paragraph 19. Casein or lactarene and mixtures of which casein or lactarene is the component material of chief value, not specially provided for.

Paragraph 20. Chalk or whiting or Paris white, precipitated.

Paragraph 21. Chemical compounds, mixtures, and salts, of which gold, platinum, rhodium, or silver constitutes the element of chief value.

Paragraph 22. Chemical compounds, salts, and mixtures of bismuth.

Paragraph 24. Medicinal compounds, preparations, mixtures, and salts, containing over 50 per centum of alcohol, flavoring extracts, and natural or synthetic fruit flavors, fruit esters, oils and essences, all the foregoing, and their combinations when containing more than 50 per centum of alcohol; extracts (not including flavoring extracts) and their combinations when containing not over 20 per centum of alcohol.

Paragraph 25. Chicle, refined or advanced in value by drying, straining, or any other process or treatment whatever beyond that essential to the proper packing.

Paragraph 26. Chloral hydrate, terpin hydrate, thymol, and glycerophosphoric acid, and salts and compounds of glycerophosphoric acid.

Paragraph 27(a) (1), (5). Alpha-naphthol; para-aminobenzoic acid; para-phenetidine; 1-aminoanthraquinone; anthraquinone; beta-naphthol not suitable for medicinal use; meta-dimethylaminophenol; metanilic acid; ortho-nitroaniline; para-nitroaniline; para-nitrotoluene; meta-phenylenediamine; ortho-phenylenediamine; N-phenyl-2-naphthylamine; phthalic anhydride; quinaldine; ortho-toluenesulfonamide; toluene-2,4-diamine; 2,4-xylidine; anthracene having a purity of 30 per centum or more; naphthalene which after the removal of all water present has a solidifying point of 79 degrees centigrade or above; all the foregoing products whether obtained, derived, or manufactured from coal tar or other source.

Paragraph 27(a) (3), (5). All products, by whatever name known, which are similar to any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930, and which are obtained, derived, or manufactured in whole or in part from any of the products provided for in either of such paragraphs:

2-Acetamido-3-chloroanthraquinone; ortho-acetoacetanisidide; ortho-acetoacetotoluidide; 2',4'-acetoacetoxylidide; adiponitrile; 3'-aminoacetophenone; 1-amino-5-benzamidoanthraquinone; 7-amino-1,3-naphthalenedisulfonic acid (including salts thereof); 5-amino-2-naphthalenesulfonic acid (including salts thereof); 8-amino-1-naphthalenesulfonic acid (including salts thereof); 8-amino-2-naphthalenesulfonic acid (including salts thereof); 8-amino-1-naphthol-3,6-disulfonic acid (including salts thereof); 6-amino-1-naphthol-3-sulfonic acid (including salts thereof); 8-amino-1-naphthol-5-sulfonic acid (including salts thereof); 4-amino-2-stilbenesulfonic acid (including salts thereof); 8-anilino-1-naphthalenesulfonic acid (including salts thereof); 6-anilino-1-naphthol-3-sulfonic acid (including salts thereof); ortho-anisidine; para-anisidine; benzazimide; biligrafin acid; caprolactam monomer; 1-chloroanthraquinone; 6-chloro-m-cresol [OH=1]; 4-chloro-2,5-dimethoxyaniline [NH_2=1]; cyclohexylamine; 3,5-diacetamido-2,4,6-triiodobenzoic acid; 1,5-diaminoanthraquinone; 4,4'-diamino-2,2'-stilbenedisulfonic acid (including salts thereof); meta-diethylaminophenol; 1,8-dihydroxy-4,5-dinitroanthraquinone; 6,7-dihydroxy-2-naphthalenesulfonic acid (including salts thereof); 2,4-dimethoxyaniline; 4,4'-dinitro-2,2'-stilbenedisulfonic acid; 3-ethylamino-para-cresol; gentisic acid; hexamethylene adipamide; para-hydroxybenzoic acid; 1-hydroxy-2-carbazolecarboxylic acid; 2-hydroxy-3-dibenzofurancarboxylic acid; 3-hydroxy-2-naphthoic acid; 1,1'-iminobis-[4 benzamidoanthraquinone]; 1,1'-iminobis-[5-benzamidoanthraquinone]; iminodianthraquinone; 5-methoxy-meta-phenylenediamine; N-methylanile; methylcyclohexanone; 2-naphthol-3,6-disulfonic acid (including salts thereof); 7-nitronaphth [1,2]-oxadiazole-5-sulfonic acid (including salts thereof); dl-phenylephrine base; phenylsulfone; 2-pyridinecarboxyaldehyde; sodium tetraphenylboron; 2,4,4',5'-tetrachlorophenylsulfone; 2,4,6-trimethylaniline; and vinylcarbazole, mono.

Paragraph 27(a) (3), (4), (5). All products, by whatever name known, which are similar to any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930, and which are obtained, derived, or manufactured in whole or in part from any of the products provided for in either of such paragraphs; and all mixtures, including solutions, consisting in whole or in part of any of the products provided for in subdivision (1), (2), or (3) of paragraph 27(a), Tariff Act of 1930:

Products chiefly used as assistants in preparing or finishing textiles; 2,3-dichloro-1,4-naphthoquinone; hydroxy-cinnamic acid (including salts thereof); methyl parathion; and parathion.

Paragraph 28(a). Colors, dyes, or stains, whether soluble or not in water, when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930:

Acid black 31, 50, 94, and 129; acid blue 7, 25, 45, 54, 106, 127, 129, and 143; acid brown 44, 46, 48, 58, 188, and 189; acid green 40; acid red 130, 145, 174, and 211; acid violet 19, 31, 41, and 48; acid yellow 2, 75, and 116; basic blue 3; basic orange 22; basic red 13, and 14; basic violet 10, and 14; basic yellow 1, 2, 11, and 13; direct black 62, and 91; direct blue 86, 92, 106, 108, 109, 160, and 172; direct brown 103, 115, and 116; direct green 5, 29, and 31; direct orange 37; direct red 83; direct yellow 28; disperse blue 30; disperse red 4; fluorescent brightening agent 18, 24, 25, and 32; ingrain blue 2; mordant black 8, and 11;

mordant green 47; mordant red 17, and 27; reactive black 1; reactive blue 1, 2, and 4; reactive orange 1; reactive red 1, 2, 3, 5, and 6; reactive yellow 1; solvent orange 11; solvent yellow 25; vat blue 2, and 6; vat brown 3; vat orange 2, 7, and 15; vat red 44; vat violet 9, and 13; vat yellow 4, and 20; vat solubilized orange 3; and all full-strength toners.

Paragraph 28(a). Color acids, color bases, color lakes, leuco-compounds, whether colorless or not, indoxyl, and indoxyl compounds; all the foregoing when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930.

Paragraph 28(a). Photographic chemicals; saccharin; synthetic phenolic resin and all resin-like products prepared from phenol, cresol, phthalic anhydride, coumarone, indene, or from any other article or material provided for in paragraph 27 or 1651, Tariff Act of 1930, whether in a solid, semisolid, or liquid condition; all the foregoing, when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930.

Paragraph 28(a). Other medicinals, when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930:

Diethylaminoacetoxylidide, including xylocaine; 5-ethyl-5-phenyl-hexahydro-pyrimidine-4:6-dione; 2-benzyl-4,5-imidazoline hydrochloride, methyl-phenethylhydantoin, phenylbenzylamino-ethyl imidazoline hydrochloride, and all other medicinals derived from imidazoline or hydantoin; 5-chloro-7-iodo-8-quinolinol; 2[1-(p-chlorophenyl)-3-dimethylaminopropyl]pyridine maleate; niacinamide—phenacetin; phenylephrine hydrochloride; sulfadiazine, sulfaguanidine; sulfamerazine; sulfamethazine; sulfapyridine; and salicylazosulfapyridine.

Paragraph 28(a). Artificial musk and styrene, not marketable as perfumery, cosmetics, or toilet preparations, and not mixed and not compounded, and not containing alcohol, when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930.

Paragraph 28(a). Natural alizarin and natural indigo, and colors, dyes, stains, color acids, color bases, color lakes, leuco-compounds, indoxyl and indoxyl compounds, obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo, vanillin, from whatever source obtained, derived, or manufactured.

Paragraph 29. Cobalt: Oxide; sulphate; all other cobalt salts and compounds (not including linoleate).

Paragraph 30. Collodion and other liquid solutions of pyroxylin, of other cellulose esters or ethers, or of cellulose.

Paragraph 31(a) (1), (2). Cellulose acetate, and compounds, combinations, or mixtures containing cellulose acetate, in blocks, sheets, rods, tubes, powder, flakes, briquets, or other forms, whether or not colloided, and waste wholly or in chief value of cellulose acetate; and finished or partly finished articles of which any of the foregoing is the component material of chief value, not specially provided for.

Paragraph 31(b) (1), (2). All compounds of cellulose (except cellulose acetate, but including pyroxylin and other cellulose esters and ethers), and all compounds, combinations, or mixtures of which any such compound is the component material of chief value:

In sheets (except transparent sheets over 3/1000 of one inch and not over 3¾000 of one inch in thickness, of pyroxylin or of compounds, combinations, or mixtures of which pyroxylin is the component material of chief value), carboxymethyl cellulose in any form, and pyroxylin and compounds, combinations, or mixtures of which pyroxylin is the component material of chief value, in blocks, rods, tubes, powder, flakes, briquets, or other forms, whether or not colloided; and finished or partly finished articles dutiable under clause (2) of paragraph 31(b), Tariff Act of 1930 (except smokeless powder).

Paragraph 31(c). Sheets, bands, and strips (whether known as cellophane or by any other name whatsoever), exceeding 1 inch in width but not exceeding 3/1000 of one inch in thickness, made by any artificial process from cellulose, a cellulose hydrate, a compound of cellulose (other than cellulose acetate), or a mixture containing any of the foregoing, by solidification into sheets, bands, or strips.

Paragraph 32. Compounds of cellulose, known as vulcanized or hard fiber, made wholly or in chief value of cellulose.

Paragraph 33. Compounds of casein, known as galalith, or by any other name, in blocks, sheets, rods, tubes, or other forms; and finished or partly finished articles of which any of the foregoing is the component material of chief value not specially provided for.

Paragraph 34. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, herbs, leaves, lichens, mosses, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and all other drugs of vegetable or animal origin; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol.

Paragraph 35. Aconite, aloes, asafetida, cocculus indicus, ipecac, jalap, manna; barbasco or cube root; derris, tube, or tuba root; marshmallow or althea root, leaves and flowers; and mate; all the foregoing which are natural and uncompounded, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol.

Paragraph 36. Coca leaves.

Paragraph 37. Ethers and esters: Diethyl sulphate and dimethyl sulphate; ethers and esters of all kinds not specially provided for; all the foregoing not containing more than 10 per centum of alcohol.

Paragraph 38 and 1670(b).[1] Extracts, dyeing and tanning: Chestnut, cutch, chlorophyll, divi-divi, fustic, hemlock, myrobalan, Persian berry, quebracho, sumac, saffron, safflower, saffron cake, and other extracts, decoctions, and preparations of vegetable origin used for dyeing, coloring, staining, or tanning, not specially provided for, and not containing alcohol (not including logwood, mangrove, oak, valonia, and wattle).

Paragraph 39. Flavoring extracts and natural synthetic fruit flavors, fruit esters, oils, and essences, all the foregoing not containing alcohol, and not specially provided for.

Paragraph 40. Formaldehyde solution or formalin; and hexamethylenetetramine.

Paragraph 41. Edible gelatin; gelatin, glue of animal origin, glue size, and fish glue, not specially provided for; agar agar, pectin, isinglass, and manufactures, wholly or in chief value of gelatin, glue, or glue size.

Paragraph 42. Glycerin, crude.

Paragraph 43. Ink, and ink powders not specially provided for; drawing ink.

Paragraph 47. Licorice, extracts of, in pastes, rolls, or other forms.

Paragraph 49. Magnesium: Carbonate, precipitated; chloride, not specially provided for; sulphate or Epsom salts; oxide or calcined magnesia.

Paragraph 50. Manganese: Borate, resinate, sulphate, and other manganese compounds and salts, not specially provided for.

Paragraph 51. Menthol, natural.

Paragraph 52. Oils, animal and fish: Whale and seal; sperm, crude, refined or otherwise processed; spermaceti wax; wool grease, whether or not suitable for medicinal use, including adeps lanae, hydrous or anhydrous; other animal and fish oils, fats, and greases, not specially provided for (except edible animal oils, fats, and greases, neatsfoot oil, and animal oils known as neatsfoot stock).

Paragraph 53. Oils, vegetable: Castor; olive, weighing with the immediate container less than 40 pounds; olive, not specially provided for; rapeseed.

Paragraph 53. Expressed or extracted oils, not specially provided for:

Corn or maize oil, and sunflower oil.

Paragraph 54. Coconut oil; sesame oil.

Paragraph 55. Alizarin assistant, Turkey red oil, sulphonated castor or other sulphonated animal or vegetable oils, soaps made in whole or in part from castor oil, and all soluble greases; all the foregoing in whatever form, and suitable for use in the processes of softening, dyeing, tanning, or finishing, not specially provided for.

Paragraph 56. Hydrogenated or hardened oils and fats; other oils and fats, the composition and properties of which have been changed by vulcanizing, oxidizing, chlorinating, nitrating, or any other chemical process, and not specially provided for.

Paragraph 57. Combinations and mixtures of animal, vegetable, or mineral oils or of any of them (except combinations or mixtures containing essential or distilled oils), with or without other substances, not specially provided for, and not containing alcohol.

Paragraph 58. Oils, distilled or essential: Eucalyptus; peppermint, sandalwood, and all other essential and distilled oils not specially provided for; all the foregoing not containing alcohol (not including lemon, grapefruit, orange, clove, and patchouli oils).

Paragraph 60. Perfume materials: Ambergris; anethol, citral, heliotropin, ionone, rhodinol, safrol, terpineol, and all natural or synthetic odoriferous or aromatic chemicals, all the foregoing not mixed and not compounded, and not specially provided for (not including geraniol and hydroxycitronellal); all mixtures or combinations containing essential or distilled oils, or natural or synthetic odoriferous or aromatic substances; all the foregoing not containing more than 10 per centum of alcohol.

Paragraph 61. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, tooth soaps, pastes, theatrical grease paints, pomades, powders, and other toilet preparations (not including bath salts).

Paragraph 64. Plasters, healing or curative, of all kinds, and courtplaster.

Paragraph 65(a) (2), (3). Paints, colors, and pigments, commonly known as artists', school, students', or children's paints or colors, in tubes, jars, cakes, pans, or

[1] Certain of the articles listed have been temporarily transferred from paragraph 38 to the free list of the Tariff Act of 1930 (paragraph 1670(b)).

other forms, not exceeding 1½ pounds net weight each:

In tubes or jars and valued at 20 cents or more per dozen pieces, and not assembled in paint sets, kits, or color outfits; or in tubes, jars, cakes, pans, or other forms when assembled in paint sets, kits, or color outfits, with or without brushes, water pans, outline drawings, stencils, or other articles.

Paragraph 66. Pigments, colors, stains, and paints, including enamel paints, whether dry, mixed, or ground in or mixed with water, oil, or solutions other than oil, not specially provided for.

Paragraph 67. Precipitated barium sulphate or blanc fixe.

Paragraph 68. Blue pigments and all blues containing iron ferrocyanide or iron ferricyanide, in pulp, dry, or ground in or mixed with oil or water; ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine.

Paragraph 69. Bone black or bone char, and blood char; decolorizing, deodorizing, or gas-absorbing chars and carbons, whether or not activated, and all activated chars and carbons.

Paragraph 70. Chrome yellow, chrome green, and other colors containing chromium, in pulp, dry, or ground in or mixed with oil or water.

Paragraph 71. Gas black, lampblack and all other black pigments, by whatever name known, dry or ground in or mixed with oil or water, and not specially provided for:

Acetylene black.

Paragraph 73. Siennas, crude, washed, or ground; iron-oxide and iron-hydroxide pigments not specially provided for.

Paragraph 75. Spirit varnishes containing less than 5 per centum of methyl alcohol; varnishes, including so-called gold size or japan but not including spirit varnishes, not specially provided for.

Paragraph 76. Cuprous oxide.

Paragraph 78. Potassium: Ferricyanide or red prussiate of potash; ferrocyanide or yellow prussiate of potash; bromide; hydroxide or caustic potash; nitrate or saltpeter, refined; and permanganate.

Paragraph 79. Sodium, potassium, beryllium, and caesium.

Paragraph 80. Toilet soap.

Paragraph 81. Sodium: Arsenate; chlorate; ferrocyanide or yellow prussiate of soda; nitrite, silicofluoride; sulphate, anhydrous; silicate.

Paragraph 82. Sodium hydrosulphite, hydrosulphite compounds, sulphoxylate compounds, and all combinations and mixtures of the foregoing.

Paragraph 83. Starches not specially provided for.

Paragraph 86. Strychnine, and salts of.

Paragraph 88. Tin bichloride, tin tetrachloride, and all other chemical compounds, mixtures, and salts, of which tin constitutes the element of chief value.

Paragraph 89. Titanium potassium oxalate, and all compounds and mixtures containing titanium.

Paragraph 91. Vanadic acid, vanadic anhydride, and salts of the foregoing; chemical compounds, mixtures, and salts, wholly or in chief value of vanadium, not specially provided for.

Paragraph 93. Zinc sulphide.

Paragraph 94. Collodion emulsion.

Paragraph 95. Azides, fulminates, fulminating powder, and other like articles not specially provided for.

Schedule 2. Earths, Earthenware, and Glassware

Paragraph 201(a). Fire brick, not specially provided for; magnesite brick.

Paragraph 202(a). Floor and wall tiles, however provided for in paragraph 202(a), Tariff Act of 1930 (except glazed tiles other than glazed ceramic mosaic tiles and other than glazed tiles wholly or in part of cement).

Paragraph 202(b). Mantels, friezes, and articles of every description or parts thereof, composed wholly or in chief value of earthen tiles or tiling, except pill tiles.

Paragraph 203. Limestone (not suitable for use as monumental or building stone), crude, or crushed but not pulverized.

Paragraph 205(e). Statues, statuettes, and bas-reliefs, wholly or in chief value of plaster of Paris, not specially provided for; manufactures of which plaster of Paris is the component material of chief value, not specially provided for.

Paragraph 206. Pumice stone, unmanufactured, valued over $15 per ton; pumice stone, wholly or partly manufactured; manufactures of pumice stone, or of which pumice stone is the component material of chief value, not specially provided for.

Paragraph 207. Common blue clay and other ball clays, not specially provided for; china clay or kaolin; bauxite, crude, not refined or otherwise advanced in condition in any manner; bauxite, calcined, when imported to be used in the manufacture of fire brick, or other refractories; clays or earths artificially activated with acid or other material.

Paragraph 208(a)(f). Mica, unmanufactured (including mica waste and scrap), valued over 15 cents per pound.

Paragraph 208(d). Mica plates and built-up mica.

Paragraph 208(f). Mica waste and scrap (except phlogopite), valued not over 5 cents per pound.

Paragraph 209. Talc, steatite or soapstone, and French chalk (except ground, washed, powdered, or pulverized talc, steatite or soapstone, valued not over $14 per ton, and except toilet preparations); manufactures (except toilet preparations), of which talc, steatite or soapstone, or French chalk is the component material of chief value, wholly or partly finished, and not specially provided for.

Paragraph 210. Stoneware and earthenware crucibles; Rockingham earthenware, valued under $1.50 per dozen articles.

Paragraph 211. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, and manufactures in chief value of such ware not specially provided for; all the foregoing, not tableware, kitchenware, or table or kitchen utensils.

Paragraph 212. China, porcelain, and other vitrified ware (not including chemical porcelain ware but including chemical stone ware), composed of a vitrified nonabsorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, pill tiles, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, and manufactures in chief value of such ware, not specially provided for (except the following tableware, kitchenware, and table or kitchen utensils, not containing 25 per centum or more of calcined bone:

Hotel or restaurant ware and utensils.

Other than hotel or restaurant ware or utensils if—

Plates, not over 6⅝ inches in diameter and valued not over $2.55 per dozen, or

Over 6⅝ but not over 7⅞ inches in diameter and valued not over $3.45 per dozen, or

Over 7⅞ but not over 9⅛ inches in diameter and valued not over $5.00 per dozen, or

Over 9⅛ inches in diameter and valued not over $6.00 per dozen;

Cups, valued not over $4.45 per dozen;

Saucers, valued not over $1.90 per dozen; and

Articles which are not plates, cups, or saucers and which are valued not over $11.50 per dozen articles).

Paragraph 213. Graphite or plumbago, crude or refined:

Amorphous (except artificial); crystalline lump, chip, or dust.

Paragraph 214. Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not:

Ammonia synthesis catalyst; dead-burned basic refractory material consisting chiefly of magnesia and lime; feldspar, ground; germanium diodes; marble chip or granito; stone (except Cornwall stone), crushed otherwise than merely to facilitate shipment to the United States, or ground; synthetic materials of gem stone quality, such as corundum and spinel, and articles and wares composed wholly or in chief value of such materials; and substances and articles, decorated.

Paragraph 216. Carbons and electrodes, of whatever material composed, and wholly or partly manufactured, for producing electric arc light; brushes, of whatever material composed, and wholly or partly manufactured, for electric motors, generators, or other electrical machines or appliances; plates, rods, and other forms, of whatever material composed, and wholly or partly manufactured, for manufacturing into the aforesaid brushes; articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for (not including electrodes for electric furnace or electrolytic purposes).

Paragraph 217. Vials and ampoules, wholly or in chief value of glass, unfilled, not specially provided for, if holding less than one-fourth of one pint.

Paragraph 218(a). Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing (except articles provided for in paragraph 217 or 218(e), Tariff Act of 1930), finished or unfinished, wholly or in chief value of glass (except clinical thermometers), or wholly or in chief value of fused quartz or fused silica.

Paragraph 218(b). Tubes, rods, canes, and tubing, with ends finished or unfinished, for whatever purpose used, wholly or in chief value of glass, or wholly or in chief value of fused quartz or fused silica; gauge glass tubes, wholly or in chief value of glass.

Paragraph 218(c). Illuminating articles of every description, finished or unfinished, wholly or in chief value of glass, for use in connection with artificial illumination, and parts not specially provided for, wholly or in chief value of glass, of any of the foregoing.

Paragraph 218(d). All glassware commercially known as plated or cased glass, composed of two or more layers of clear, opaque, colored, or semitranslucent glass, or combinations of the same, and containing 24 per centum or more of lead oxide.

Paragraph 218(e)(h). Bottles and jars, wholly or in chief value of glass, of the character used or designed to be used as containers of perfume, talcum powder, toilet water, or other toilet preparations, if produced by automatic machine, or if produced otherwise than by automatic machine and filled with toilet preparations or unfilled; bottles, vials, and jars, wholly or in chief value of glass, fitted with or designed for use with ground-glass stoppers, when suitable for use and of the character ordinarily employed for the holding or transportation of merchandise other than toilet preparations, whether produced by automatic machine or otherwise produced.

Paragraph 218(f). Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free:

Articles designed primarily for ornamental purposes, decorated chiefly by engraving, and valued at $8 or more each;

Christmas tree ornaments;

Other articles or utensils:

Blown or partly blown, in the mold or otherwise, if cut or engraved and valued at $3 or more each, and containing 24 per centum or more of lead oxide;

Kitchen and table articles and utensils and household articles other than kitchen and table articles and utensils, any of the foregoing not provided for above (and not including articles and utensils commercially known as bubble glass and produced otherwise than by automatic machine), if containing 24 per centum or more of lead oxide, or if not containing 24 per centum or more of lead oxide but decorated with metal flecking introduced into the glass prior to solidification; and

Other (except kitchen, table, and household articles and utensils, cut or engraved articles and utensils blown or partly blown in the mold or otherwise, and articles commercially known as bubble glass and produced otherwise than by automatic machine).

Paragraph 218(g). Table and kitchen articles and utensils, composed wholly or in chief value of glass, when pressed and unpolished, whether or not decorated or ornamented in any manner or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), whether filled or unfilled, or whether their contents be dutiable or free.

Paragraph 219. Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used.

Paragraph 220. Laminated glass composed of layers of glass and other material or materials, and manufactures wholly or in chief value of such glass.

Paragraph 221. Rolled glass (not sheet glass), fluted, figured, ribbed, or rough, or the same containing a wire netting within itself.

Paragraph 222(a). Plate glass, by whatever process made.

Paragraph 222(b). Plate glass containing a wire netting within itself.

Paragraph 222(d). Rolled, cylinder, crown, and sheet glass, not plate glass, if ground wholly or in part (whether or not polished) otherwise than for the purpose of ornamentation, or if ¼ of one inch or more in thickness and obscured by coloring prior to solidification.

Paragraph 223. Plate, cylinder, crown, and sheet glass, by whatever process made, when made into mirrors, finished or partly finished, exceeding in size 144 square inches.

Paragraph 224. Plate, rolled, cylinder, crown, and sheet glass, and glass mirrors exceeding in size 144 square inches, by whatever process made, when bent, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored (except glass not plate glass and not less than ¼ of one inch in thickness, when obscured by coloring prior to solidification), painted, ornamented, or decorated.

Paragraph 225. Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished or unfinished, all the foregoing valued over 65 cents per dozen.

Paragraph 226. Lenses of glass or pebble (except lighthouse lenses), molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquille glasses, wholly or partly manufactured; strips of glass not more than three inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns.

Paragraph 227. Optical glass or glass used in the manufacture of lenses or prisms for spectacles, or for optical instruments or equipment, or for optical parts, scientific or commercial, in any and all forms.

Paragraph 228(a). Spectrographs, spectrometers, spectroscopes, refractometers, saccharimeters, colorimeters, prism-binoculars, cathetometers, interferometers, haemacytometers, polarimeters, polariscopes, photometers, ophthalmoscopes, slit lamps, corneal microscopes, optical measuring or optical testing instrument, testing or recording instruments for ophthalmological purposes, frames and mountings therefor, and parts of any of the foregoing; all the foregoing, finished or unfinished.

Paragraph 228(b). Azimuth mirrors, parabolic or mangin mirrors for searchlight reflectors, mirrors for optical, dental, or surgical purposes, photographic or projection lenses, sextants, octants, opera or field glasses (not prism binoculars), telescopes, microscopes, all optical instruments, frames and mountings therefor, and parts of any of the foregoing; all the foregoing finished or unfinished, not specially provided for (except range finders designed to be used with photographic cameras).

Paragraph 229. Incandescent electric-light bulbs and lamps (except miniature Christmas-tree lamps with metal filaments and except bulbs and lamps with filaments of carbon or other nonmetallic material).

Paragraph 230(a). Stained or painted glass windows, and parts thereof, not specially provided for.

Paragraph 230(b). Glass mirrors (except framed or cased mirrors in chief value of platinum, gold, or silver), not specially provided for, not exceeding in size 144 square inches, with or without frames or cases.

Paragraph 230(c). Glass ruled or etched in any manner, and manufactures of such glass, for photographic reproductions or engraving processes, or for measuring or recording purposes.

Paragraph 230(d). All glass, and manufactures of glass, or of which glass is the component of chief value, except broken glass or glass waste fit only for remanufacture, not specially provided for (except fiber glass and manufactures of fiber glass or of which fiber glass is the component material of chief value).

Paragraph 231. Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized (but not in any other form); opal, enamel, or cylinder glass tiles and tiling.

Paragraph 232(a). Marble and breccia, in block, rough or squared only; marble, breccia, and onyx, sawed or dressed, over 2 inches in thickness.

Paragraph 232(b). Slabs and paving tiles of marble, breccia, or onyx, containing not less than 4 superficial inches, including any of the foregoing if rubbed or polished in whole or in part.

Paragraph 232(d). Marble, breccia, and onyx, wholly or partly manufactured into monuments, benches, vases, and other articles, and articles of which these substances or any of them is the component material of chief value, not specially provided for.

Paragraph 233. Alabaster and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, and articles of which these substances or either of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stone, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for.

Paragraph 234(a). Granite suitable for use as monumental, paving, or building stone, not specially provided for.

Paragraph 234(b). Travertine stone, unmanufactured, or not dressed, hewn, or polished.

Paragraph 234(c). Freestone, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for.

Paragraph 235. Slate, slates, slate chimney pieces, mantels, slabs for tables, and all other manufactures of slate not specially provided for (not including roofing slates).

Paragraph 236. Watch crystals or watch glasses, finished or unfinished.

Schedule 3. Metals and Manufactures of

Paragraph 301. Vanadium in excess of 1/10 of one per centum contained in the articles provided for in paragraph 301, Tariff Act of 1930.

Paragraph 302(a). Manganese ore (including ferruginous manganese ore) or concentrates, and manganiferous iron ore, all the foregoing containing 35 per centum or more of metallic manganese and if of metallurgical grades.

Paragraph 302(b). Molybdenum ore or concentrates.

Paragraph 302(e). Manganese silicon, manganese boron, and ferromanganese and spiegeleisen containing not more than 1 per centum of carbon.

Paragraph 302(f). Ferromolybdenum, metallic molybdenum, molybdenum powder, calcium molybdate, and all other compounds and alloys of molybdenum.

Paragraph 302(h). Ferrochromium tungsten, chrominum tungsten, chromium cobalt tungsten, tungsten nickel, and all other alloys of tungsten not specially provided for (not including ferrotungsten).

Paragraph 302(i). Ferrosilicon, containing 8 per centum or more of silicon and less than 80 per centum, or containing 90 per centum or more of silicon.

Paragraph 302(k). Ferrochrome or ferrochromium containing less than 3 per centum of carbon, and chrome metal or chromium metal.

Paragraph 302(l). Boron carbide.

Paragraph 302(m). Ferrotitanium.

Paragraph 302(n). Calcium, columbium or niobium, and tantalum, and alloys not specially provided for of calcium with silicon, and of zirconium with silicon.

Paragraph 302(o). Alloys used in the manufacture of steel or iron, not specially provided for (except such alloys containing not under 28 per centum of iron, not under 18 per centum of aluminum, not under 18 per centum of silicon, and not under 18 per centum of manganese).

Paragraph 304. Steel ingots, cogged ingots, blooms and slabs, by whatever process made, valued over 3½ cents per pound; billets, whether solid or hollow, valued over 3½ cents per pound; bars, whether solid or hollow (not including concrete reinforcement bars); sheets and plates and steel not specially provided for (not including steel circular saw blades).

Paragraph 305 (1); (2). All steel or iron in the materials and articles enumerated or described in paragraphs 303, 304, 307, 308, 312, 313, 315, 316, 317, 318, 319, 322, 323, 324, 327, and 328 of schedule 3 of the dutiable list of the Tariff Act of 1930. [Note: Listed only for purposes of additional duties for vanadium content of more than 1/10 of one percent.]

Paragraph 307. Boiler or other plate iron or steel, except crucible plate steel and saw plate steel, not thinner than 10%1000 of one inch, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, all the foregoing valued over 3 cents per pound.

Paragraph 308. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel; all the foregoing valued over 3 cents per pound (except any of the foregoing corrugated or crimped).

Paragraph 309. Sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding.

Paragraph 312. Beams, girders, joists, angles, channels, car-truck channels, tees, columns and posts, or parts or sections of columns and posts, and deck and bulb beams, together with all other structural shapes of iron or steel, if machined, drilled, punched, assembled, fitted, fabricated for use, or otherwise advanced beyond hammering, rolling, or casting; sashes and frames of iron or steel; sheet piling.

Paragraphs 313, 315. Bands and strips of iron or steel, whether in long or short lengths, not specially provided for. [Note: Listing for purposes of paragraph 315 is only in connection with additional duty if cold-hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only.]

Paragraph 314. Hoop or band iron, and hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for bailing cotton or any other commodity.

Paragraph 315. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, or square, or in any other shape, nail rods and flat rods up to 6 inches in width ready to be drawn or rolled into wire or strips, all the foregoing in coils or otherwise, and valued not over 4 cents per pound. [Note: Listed only for purposes of base duties and additional duty if tempered or treated in any manner or partly manufactured.]

Paragraph 316(a). Round iron or steel wire; all wire composed of iron, steel, or other metal, not specially provided for (except gold, silver, platinum, tungsten, or molybdenum); all flat wires and all steel in strips not thicker than ¼ of one inch and not exceeding 16 inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced; telegraph, telephone, and other wires and cables composed of iron, steel, or other metal (except gold, silver, platinum, tungsten, or molybdenum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering; wire rope; wire strand; wire heddles and healds. [Note: The additional duty under the proviso in paragraph 316(a), Tariff Act of 1930, on wire coated by dipping, galvanizing, sherardizing, electrolytic, or any other process with zinc, tin, or other metal will not be considered for reduction.]

Paragraph 316(b). Sheets, wire, or other forms (not including ingots, shot, bars, and scrap), not specially provided for, containing more than 50 per centum of molybdenum or molybdenum carbide.

Paragraph 318. Woven-wire cloth: Gauze, fabric, or screen, made of wire composed of steel, brass, copper, bronze, or any other metal or alloy, not specially provided for.

Paragraph 319(a). Iron or steel anchors and parts thereof; forgings of iron or steel, or of combined iron and steel, not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for.

Paragraph 319(b). Autoclaves, catalyst chambers or tubes, converters, reaction chambers, scrubbers, separators, shells, stills, ovens, soakers, penstock pipes, cylinders, containers, drums, and vessels, any of the foregoing composed wholly or in chief value of iron or steel, by whatever process made (except by casting), wholly or partly manufactured, if over 20 inches at the largest inside diameter (exclusive of non-metallic lining) and having metal walls 1¼ inches or more in thickness, and parts for any of the foregoing.

Paragraph 320. Electric storage batteries and parts thereof, storage battery plates, and storage battery plate material, wholly or partly manufactured, all the foregoing not specially provided for (except lead-acid type storage batteries and parts thereof, lead-acid type storage battery plates, and lead-acid type storage battery plate material).

Paragraph 321. Antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, metal ball or roller bearings, and parts thereof, whether finished or unfinished, for whatever use intended.

Paragraph 324. Wheels for railway purposes, and parts thereof, of iron or steel, and steel-tired wheels for railway purposes, wholly or partly finished, and iron or steel locomotive, car, or other railway tires and parts thereof, wholly or partly manufactured.

Paragraph 325. Jewelers' and other anvils weighing less than 5 pounds each.

Paragraph 327. Cast-iron andirons, plates, stove plates, sadirons, tailors' irons, hatters' irons, but not including electric irons, and castings and vessels wholly of cast-iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, or parts thereof, or finished machine parts; castings of malleable iron not specially provided for (except heel and other plates for boots and shoes whether or not containing leather pegs or plugs); cast hollow ware, coated, glazed, or tinned, but not including enameled ware and hollow ware containing electrical elements; molders' patterns, of whatever material composed, for the manufacture of castings.

Paragraph 328. Cylindrical and tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty; finished or unfinished iron or steel tubes not specially provided for (not including tubes made from plate metal, whether corrugated, ribbed, or otherwise reinforced against collapsing pressure); flexible metal tubing or hose, whether covered with wire or other material, including any appliances or attachments affixed thereto, not specially provided for, and rigid iron or steel tubes or pipes prepared and lined or coated in any manner suitable for use as conduits for electrical conductors.

Paragraph 329. Chain and chains of all kinds, made of iron or steel, less than 5/16 of one inch in diameter; chains of iron or steel, used for the transmission of power, of not more than two-inch pitch and containing more than three parts per pitch, and parts thereof, finished or unfinished; all other chains used for the transmission of power, and parts thereof.

Paragraph 330. Spiral nut locks, and lock washers, of iron or steel.

Paragraph 331. Upholsterers' nails, chair glides, and thumb tacks, of two or more pieces of iron or steel, finished or unfinished; staples, in strip form, for use in paper fasteners or stapling machines.

Paragraph 332. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires.

Paragraph 335. Grit, shot, and sand of iron or steel, in any form.

Paragraph 339. Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for, whether or not containing electrical heating elements as constituent parts thereof (except spoons, wholly of metal and in chief value of stainless steel, and except articles plated with platinum but not plated in any part with gold).

Paragraph 340. Crosscut saws, mill saws, pit and drag saws, circular saws, steel band saws, finished or further advanced than tempered and polished, hand, back, and all other saws, not specially provided for; *jewelers' or piercing saws.*

Paragraph 341. Stereotype plates, electrotype plates, half-tone plates, photogravure plates, photo-engraved plates, and plates of other materials (not including steel plates) engraved or otherwise prepared for printing; and lithographic plates of stone or other material engraved, drawn, or prepared.

Paragraph 343. Needles for sewing, shoe, or embroidery machines of every description, not specially provided for, and crochet *needles or hooks; latch needles;* tape, knitting, and all other needles, not specially provided for, bodkins of metal, and needle cases or needle books furnished with assortments of needles or combinations of needles and other articles (except books or cases furnished with assortments of needles only and valued at $1.25 or more per dozen books or cases).

Paragraph 345. Saddlery and harness hardware: Buckles, rings, snaps, bits, swivels, and all other articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as harness hardware; all articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as saddlery or riding bridle hardware.

Paragraph 347. Hooks and eyes, wholly or in chief value of metal, whether loose, carded, or otherwise.

Paragraph 348. Snap fasteners and clasps, and parts thereof (except sew-on fasteners and parts thereof), by whatever name known or of whatever material composed, not plated with gold, silver, or platinum, and valued not over $1.66⅔ per hundred.

Paragraph 349. Metal buttons embossed with a design, device, pattern, or lettering.

Paragraph 350. Pins with solid heads, without ornamentation, including hair, hat, bonnet, and shawl pins (but not including dressmakers' or common pins and safety pins); and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver, and not commonly known as jewelry.

Paragraph 352. Twist and other drills, reamers, milling cutters, taps, dies, die heads, and metal-cutting tools of all descriptions, and cutting edges or parts for use in such tools, composed of steel or substitutes for steel, all the foregoing, if suitable for use in cutting metal, not specially provided for; cutting tools of any kind containing more than 1/10 of one per centum of vanadium, or more than 2/10 of one per centum of tungsten, molybdenum, or chromium.

Paragraph 353. Articles suitable for producing, rectifying, modifying, controlling, or distributing electrical energy (except dynamotors and other rotating converters, generators, switches and switch gear which are not wiring apparatus, instruments, or devices, radar equipment, and transformers, and parts of the foregoing); electrical telegraph (including printing and typewriting), telephone, signaling, welding, ignition, wiring, therapeutic, and X-ray apparatus, instruments other than laboratory), and devices; and articles having as an essential feature an electrical element or device, such as electric motors, fans, locomotives, portable tools, furnaces, heaters, ovens, ranges, washing machines, refrigerators, and signs (except adding machines having an electric motor as an essential feature, batteries, calculating machines specially constructed for multiplying and dividing and having an electric motor as an essential feature, flashlights, internal-combustion engines of the carburetor type, motors of 1/10 horsepower or less or of 200 horsepower or more, steam boilers operating with water under forced circulation at a rate of circulation at least 8 times the rate of evaporation and having combustion chambers designed for a working pressure exceeding 30 pounds absolute to the square inch, television cameras, floor polishers, and vacuum cleaners); all the foregoing, and parts thereof, finished or unfinished, wholly or in chief value of metal, and not specially provided for (not including radio apparatus, instruments, and devices, and parts thereof, but including television tubes and parts of electric vacuum cleaners).

Paragraph 354. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in the Tariff Act of 1930, which have folding or other than fixed blades or attachments; blades, handles, or other parts of any of the foregoing knives or erasers; cuticle knives, corn knives, nail files, tweezers, manicure or pedicure nippers, and parts thereof, finished or unfinished, by whatever name known; all the foregoing whether or not imported in the condition of assembled but not fully finished.

Paragraph 355. Table, butchers' carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, currriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', planters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for (except table knives and table forks, wholly of metal and in chief value of stainless steel; and except hay forks and 4-tined manure forks, with handles of any material specifically mentioned in paragraph 355, Tariff Act of 1930, if 4 inches in length or over, exclusive of handle, or without handles, with blades 6 inches or more in length).

Paragraph 356. Planing-machine knives, tannery and leather knives, tobacco knives, paper and pulp mill knives, roll bars, bed plates, and all other stock-treating parts for pulp and paper machinery, shear blades, circular cloth cutters, circular cork cutters, circular cigarette cutters, meat-slicing cutters, and all other cutting knives and blades used in power or hand machines.

Paragraph 357. Nail, barbers', and animal clippers, pruning and sheep shears, and all scissors and other shears, and blades for the same, finished or unfinished (except pruning, sheep, and other shears, and all scissors, and blades for the same, valued not over 50 cents per dozen).

Paragraph 358. Safety razors, and safety-razor handles and frames; razors and parts thereof, finished or unfinished, valued at $3 or more per dozen; blades for safety razors, in strips or otherwise, finished or unfinished.

Paragraph 359. Surgical instruments, and parts thereof, including hypodermic needles, hypodermic syringes, and forceps, composed wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal (whether or not in chief value of glass), finished or unfinished; dental instruments, and parts thereof (except burrs), including hypodermic needles, hypodermic syringes, and foreceps, wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal (whether or not in chief value of glass), finished or unfinished.

Paragraph 360. Scientific and laboratory instruments, apparatus, utensils, appliances (including surveying and mathematical instruments), and parts thereof, wholly or in chief value of metal, and not plated with gold, silver, or platinum, finished or unfinished, not specially provided for (including slide rules wholly or in chief value of synthetic resin); drawing instruments, and parts thereof, wholly or in chief value of metal.

Paragraph 361. Slip joint pliers, valued over $2 per dozen; pliers other than slip joint pliers, pincers, and nippers, and hinged hand tools for holding and splicing wire, finished or unfinished.

Paragraph 362. Files, file blanks, rasps, and floats, of whatever cut or kind.

Paragraph 363. Sword blades, and swords and side arms, irrespective of quality or use, wholly or in part of metal.

Paragraph 364. Bells (except church and similar bells and carillons), finished or unfinished, and parts thereof.

Paragraph 365. Shotguns and rifles (not including shotguns and rifles without a lock or locks or other fittings), valued over $10 each; combination shotguns and rifles, valued at $5 or less each or over $25 each; barrels for shotguns and rifles, further advanced in manufacture than rough bored only; stocks for rifles, wholly or partly manufactured; parts of shotguns or rifles (not including stocks for shotguns) and fittings for shotgun or rifle stocks or barrels, finished or unfinished.

Paragraph 366. Pistols and revolvers: Automatic, single-shot, magazine, or revolving, valued over $8 each; parts of and fittings for automatic, single-shot, magazine, or revolving pistols and revolvers.

Paragraph 368(a). [I] Clocks, clock movements, including lever movements, timekeeping, time-measuring, or time-indicating mechanisms, devices, and instruments, and any mechanism, device, or instrument intended or suitable for measuring or for indicating time; and

[II] Clockwork mechanisms and other articles provided for in paragraph 368(a), Tariff Act of 1930, and not included in [I] above, if valued at $2.25 or less or over $10 each;

all the foregoing, whether or not in cases, containers, or housings (except the following:

Synchronous and subsynchronous motors of less than 1/40 horsepower valued not over $3 each without counting the value of gears or other attachments; standard marine chronometers having spring-detent escapements, valued over $10 each; mechanisms, devices, and instruments intended or suitable for measuring the flowage of electricity, valued over $10 but not over $15 each; and time switches valued over $10 each).

[Note: No reduction will be made in the additional duty on jewels under paragraph 368(a)(3), Tariff Act of 1930, contained in the following articles valued over $10 each: ships' logs, depth-sounding mechanisms, devices, or instruments, and standard marine chronometers having spring-detent escapements.]

Paragraph 368(c). Parts for articles provided for in paragraph 368(a), Tariff Act of 1930:

(1) Parts provided for in clause (1) of subparagraph (c) of paragraph 368, Tariff Act of 1930 (except parts for standard marine chronometers having spring-detent escapements, valued over $10 each, and except parts for synchronous or subsynchronous motors of less than 1/40 horsepower valued not over $3 each without counting the value of gears or other attachments);

(2) parts provided for in clause (2) of subparagraph (c) of paragraph 368, Tariff Act of 1930, if for articles described in [I] and [II] of item 368(a) above in this list;

(3) parts provided for in clause (3) of subparagraph (c) of paragraph 368, Tariff Act of 1930, if for articles described in [I] of item 368(a) above in this list;

(4) jewels contained in an assembly or subassembly not for standard marine chronometers having spring-detent escapements and valued over $10 each, for ships' logs, for depth-sounding mechanisms, devices, or instruments, nor for synchronous or subsynchronous motors less than 1/40 horsepower valued not over $3 each without counting the value of gears or other attachments;

(6) parts provided for in clause (6) of subparagraph (c) of paragraph 368, Tariff Act of 1930, if for—

Articles described in [I] of item 368(a) above in this list;

The following articles valued over $10 each: standard marine chronometers having spring-detent escapements, ships' logs, or depth-sounding mechanisms, devices, or instruments; or

Synchronous or subsynchronous motors of less than 1/40 horsepower valued not over $3 each without counting the value of gears or other attachments.

Paragraph 368(d). Dials for the following articles provided for in paragraph 368(a), Tariff Act of 1930: Clocks, clock movements, including lever movements, timekeeping, time-measuring, or time-indicating mechanisms, devices, and instruments, and any mechanism, device, or instrument intended or suitable for measuring or indicating time (except standard marine chronometers having spring-detent escapements, valued over $10 each).

Paragraph 368(e). Cases, containers, or housings suitable for any of the movements, mechanisms, devices, or instruments enumerated or described in paragraph 368, Tariff Act of 1930, not specially provided for, when imported separately.

Paragraph 368(g). Taximeters and parts thereof, finished or unfinished.

Paragraph 369(a). Automobile trucks valued at $1,000 or more each, automobile truck and motor bus chassis valued at $750 or more each, automobile truck bodies valued at $250 or more each, motor busses designed for the carriage of more than ten persons, and bodies for such busses, all the foregoing, whether finished or unfinished.

Paragraph 369(b). All other automobiles, automobile chassis, and automobile bodies, all the foregoing, whether finished or unfinished.

Paragraph 369(c). Parts (except tires and except parts wholly or in chief value of glass) for any of the articles enumerated in subparagraph (a) or (b) of paragraph 369, Tariff Act of 1930, finished or unfinished, not specially provided for.

Paragraph 370. Airplanes, hydroplanes, motor boats, and parts of the foregoing (except internal-combustion motor-boat engines of the noncarburetor type weighing over 2,500 pounds each).

Paragraph 371. Parts of bicycles, not including tires (except frames).

Paragraph 372. Reciprocating steam engines and steam locomotives; business dictating, recording, and transcribing machines, chiefly used in business offices, of the type or types recording on nonmagnetizable recording medium, and parts thereof; cash registers; printing machinery (except for textiles and except duplicating machines and printing presses); paper-box machinery; lawn mowers; machine tools (except jigboring and grinding tools, and lathes other than vertical turret lathes); embroidery machines, including shuttles for sewing and embroidery machines, Levers (including go-through) lacemaking machines, Levers (including gothrough) machines for making lace curtains, nets, and nettings; knitting, braiding, lace braiding, and insulating machines, and all other similar textile machinery, finished or unfinished, not specially provided for; all other textile machinery, finished or unfinished, not specially provided for (except circular combs commonly known as "Noble" or "Bradford" combs; and except machinery (other than winding, beaming, warping, or slashing machinery and combinations thereof) for manufacturing or processing vegetable fibers (other than cotton) prior to making of fabrics or crocheted, knit, woven, or felt articles not made from fabrics; cream separators valued over $50 but not over $100 each, and other centrifugal machines for the separation of liquids or liquids and solids, not specially provided for; combined adding and typewriting machines; machines for cutting or hobbing gears; punches, shears, and bar cutters, intended for use in fabricating structural or other rolled iron or steel shapes; machines, finished or unfinished, not specially provided for (except the following:

Adding machines; calculating machines specially constructed for multiplying and dividing; combination cases and sharpening mechanisms for safety razors; hydraulic impulse wheels and hydraulic reaction turbines; internal-combustion engines of the carburetor type; and wrapping and packaging machinery (other than combination candy cutting and wrapping machines, machines for packaging pipe tobacco, machines for wrapping candy, and machines for wrapping cigarette packages));

Forged steel grinding balls, textile pins, and parts, not specially provided for, wholly or in chief value of metal or porcelain, of any of the articles listed above in this item 372.

Paragraph 373. Forks, hoes and rakes (except forks, hoes and rakes which are agricultural hand tools), scythes, sickles, grass hooks, and corn knives, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured.

Paragraph 374. Aluminum scrap.

Paragraph 375. Metallic magnesium and metallic magnesium scrap; magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium, not specially provided for.

Paragraph 377. Bismuth.

Paragraph 380. Nickel silver sheets, strips, rods, and wire.

Paragraph 381. Copper engravers' plates, not ground, or ground; brass rods, sheet brass, brass plates, bars, and strips, Muntz or yellow metal sheets, sheathing, bolts, piston rods, and shafting; bronze rods and sheets; bronze tubes.

Paragraph 382(a). Tin foil less than $\frac{0}{1000}$ of one inch in thickness; bronze powder not of aluminum; aluminum bronze powder, powdered foil, powdered tin, flitters, and metallics, manufactured in whole or in part; bronze, or Dutch metal, in leaf.

Paragraph 383(a). Gold leaf, unmounted, or mounted on paper or equivalent backing.

Paragraph 384. Padlocks, not of pin tumbler or cylinder construction and not over 2½ inches in width; padlocks of pin tumbler or cylinder construction and over 1½ inches in width; all other locks or latches of pin tumbler or cylinder construction (not including padlocks of pin tumbler or cylinder construction 1½ inches or less in width).

Paragraph 385. Lame or lahn, made wholly or in chief value of gold, silver, or other metal; bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn; beltings and other articles made wholly or in chief value of tinsel wire, metal thread, lame or lahn, or tinsel wire, lame or lahn and india rubber, bullions, or metal threads, not specially provided for; woven fabrics, ribbons, and tassels, made wholly or in chief value of any article provided for in paragraph 385, Tariff Act of 1930.

Paragraph 388. New types.

Paragraph 389. Nickel, and alloys (except those provided for in paragraph 302 or 380, Tariff Act of 1930) in which nickel is the component material of chief value, in pigs or ingots, shot, cubes, grains, cathodes, or similar forms, or in bars, rods, plates, sheets, strips, strands, castings, wire, anodes, or electrodes, whether or not cold-rolled, cold drawn, or cold worked.

Paragraph 390. Bottle caps of metal, collapsible tubes, and sprinkler tops.

Paragraph 395. Print rollers, of whatever material composed, with raised patterns of brass or brass and felt, finished or unfinished, used for printing, stamping, or cutting designs; embossing rollers of steel or other metal; print blocks, and print rollers not specially provided for, of whatever material composed, used for printing, stamping, or cutting designs.

Paragraph 396. Planes, chisels, gouges, and other cutting tools (not including drills, bits, bit braces, gimlets, gimlet-bits, or countersinks); pipe tools, wrenches, spanners, screw drivers, vises, and hammers; calipers, rules, and micrometers; all the foregoing, if hand tools not provided for in paragraph 352, Tariff Act of 1930, and parts thereof, wholly or in chief value of metal, not specially provided for.

Paragraph 397. Articles or wares not specially provided for, if composed wholly or in chief value of platinum, gold, or silver, and articles or wares plated with gold or silver, or colored with gold lacquer, whether partly or wholly manufactured.

Paragraph 397. Articles or wares not specially provided for, if composed wholly or in chief value of iron, steel, copper, brass, nickel, pewter, zinc, aluminum, or other metal (not including lead), but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured (except the following:

Cases and sharpening devices for safety razors;

Golf club heads;

Mechanics' tools of iron, steel, brass, bronze, or aluminum;

Parts of carbonated water siphons; and all articles wholly or in chief value of copper, nickel, or zinc, other than the following:

Blow torches and incandescent lamps designed to be operated by compressed air and kerosene or gasoline; cooking and heating stoves of the household type, and parts thereof; fittings for baby carriages; hinges and hinge blanks; illuminating articles; luggage hardware; manufactures of wire; portable stoves designed to be operated by compressed air, kerosene, or gasoline, and parts thereof; railway cars and parts thereof; rivets, screws (other than those commonly called wood screws), washers, and nuts, having shanks, threads, or holes not over $\frac{24}{100}$ inch in diameter; screws, commonly called wood screws, having shanks not over $\frac{12}{100}$ inch in diameter; styluses; slide fasteners; valves; and vehicles and parts thereof.

Schedule 4. Wood and Manufactures of

Paragraph 403. Brier root or brier wood, ivy or laurel root, and similar wood, unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted.

Paragraph 405. Veneers of birch and maple; parana pine plywood.

Paragraph 407. Packing boxes (empty), and packing-box shooks, of wood, not specially provided for (not including sugar-box shooks).

Paragraph 409. Split bamboo; osier or willow, including chip of and split willow, prepared for basket makers' use; articles not specially provided for, wholly or partly manufactured of rattan, bamboo, osier or willow (except tennis-racket frames valued at $1.75 or more each).

Paragraph 410. Toothpicks of wood or other vegetable substance.

Paragraph 411. Porch and window blinds, baskets, bags, chair seats, curtains, shades, or screens, any of the foregoing wholly or in chief value of bamboo, wood, straw, papier-mache, palm leaf, or compositions of wood, not specially provided for.

Paragraph 412. Furniture, wholly or partly finished, and parts thereof, wholly or in chief value of wood, and not specially provided for (except furniture and parts wholly or in chief value of rattan, cane, or peel); folding rules, wholly or in chief value of wood, not specially provided for; wood moldings and carvings to be used in architectural and furniture decoration; paintbrush handles, wholly or in chief value of wood; and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for (except the following: Clothespins; canoes and canoe paddles; carriages (other than baby carriages), drays, trucks, and other vehicles, and parts thereof; buckles, buckle slides, and clasps; faucets and spigots; laminated wallboard; stocking darners or darning lasts; spools (other than bobbins) wholly of wood and suitable for thread; and wheelbarrows).

Schedule 5. Sugar, Molasses, and Manufactures of

Paragraph 502. Molasses not imported to be commercially used for the extraction of sugar or for human consumption.

Paragraph 503. Maple sugar; maple sirup; dextrose testing not above 99.7 per centum and dextrose sirup.

Paragraph 505. Adonite, arabinose, dulcite, galactose, inosite, inulin, levulose, mannite, d-talose, d-tagatose, ribose, mellbiose,

dextrose testing above 99.7 per centum, mannose, melezitose, raffinose, rhamnose, sorbite, xylose, lactose, and other saccharides (not including salicin).

Paragraph 506. Sugar candy and all confectionery not specially provided for, valued over 40 cents per pound.

Schedule 6. Tobacco and Manufactures of

Paragraph 604. Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions.

Schedule 7. Agricultural Products and Provisions

Paragraph 701. Cattle, weighing 700 pounds or more each:

Cows imported specially for dairy purposes.

Paragraph 701. Tallow.

Paragraph 703. Bacon, hams, and shoulders, and other pork, prepared or preserved:

Made into sausages of any kind (except fresh pork sausage).

Paragraph 704. Reindeer meat, and other game (except birds and not including venison), fresh, chilled, or frozen, not specially provided for.

Paragraph 705. Extract of meat, including fluid.

Paragraph 706. Meats, fresh, chilled, or frozen, not specially provided for.

Paragraph 710. Cheese:

In original loaves:

Cheese made from sheep's milk and suitable for grading; Pecorino, not suitable for grading; and Roquefort.

Whether or not in original loaves:

Cheese having the eye formation characteristic of the Swiss or Emmenthaler type; Gjetost made from goats'-milk whey or from whey obtained from a mixture of goats' milk and not more than 20 per centum of cows' milk; Gruyere-process cheese; Gammelost; and Noekkelost.

Paragraph 711. Birds, live:

Baby chicks of poultry; and live birds not specially provided for (except canaries valued over $5 each).

Paragraph 712. Chickens, ducks, geese, and guineas, dressed or undressed, fresh, chilled, or frozen.

Paragraph 712. Birds, prepared or preserved in any manner and not specially provided for:

Pate de foie gras and similar goose-liver products.

Paragraph 714. Horses, unless imported for immediate slaughter.

Paragraph 715. Live animals, vertebrate and invertebrate, not specially provided for (except asses, burros, and silver or black foxes).

Paragraph 717(a). Fish, fresh or frozen (whether or not packed in ice), whole, or beheaded or eviscerated or both, but not further advanced (except that the fins may be removed):

Swordfish.

Paragraph 717(b). Fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for:

Swordfish; and wolf fish or sea catfish.

Paragraph 717(c). Fish, dried and unsalted:

Cod, haddock, hake, pollock, and cusk.

Paragraph 718(a). Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances:

Sardines, neither skinned nor boned, if smoked and valued over 30 cents per pound (including weight of immediate container); and antipasto.

Paragraph 718(b). Fish, prepared or preserved in any manner, when packed in air-tight containers weighing with their contents not more than 15 pounds each (except fish packed in oil or in oil and other substances):

Anchovies; fish balls, cakes and puddings; and herring in tomato sauce, kippered, or smoked, and in immediate containers weighing with their contents over 1 pound each.

Paragraph 719. Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):

(1) Salmon;

(2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed), when containing not over 43 per centum of moisture by weight;

(3) Cod, haddock, hake, pollock, and cusk, skinned or boned, whether or not dried;

(4) Herring, whether or not boned, in bulk or in immediate containers weighing with their contents more than 15 pounds each and containing each over 10 pounds of herring, net weight.

Paragraph 720(a). Fish, smoked or kippered (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):

(2) Herring, whole or beheaded, but not further advanced, if hard dry-smoked;

(3) Herring, eviscerated, split, skinned, boned (if smoked), or divided into portions;

(5) Cod, haddock, hake, pollock, and cusk, filleted, skinned, boned, sliced, or divided into portions.

Paragraph 721(b). Clams other than razor clams, and clams in combination with other substances (except clam chowder), packed in air-tight containers.

Paragraph 721(c). Fish paste and fish sauce.

Paragraph 721(d) Caviar and other fish roe for food purposes (except sturgeon roe), boiled and packed in air-tight containers, whether or not in bouillon or sauce.

Paragraph 722. Pearl barley.

Paragraph 725. Macaroni, vermicelli, noodles, and similar alimentary pastes, whether or not containing eggs or egg products.

Paragraph 730. Vegetable oil cake and oil-cake meal, not specially provided for:

Linseed oil cake and linseed oil-cake meal.

Paragraph 733. Biscuits, wafers, cake, cakes, and similar baked articles, and puddings, all the foregoing by whatever name known, whether or not containing chocolate, nuts, fruits, or confectionery of any kind.

Paragraph 738. Malt vinegar.

Paragraph 739. Orange and lemon peel, crude, dried, or in brine.

Paragraph 740. Figs, fresh or in brine; figs, prepared or preserved, not specially provided for.

Paragraph 742. Grapes (except hothouse grapes) in bulk, crates, barrels, or other packages, when entered for consumption or withdrawn from warehouse for consumption during the period from February 15 to June 30, inclusive, in any year.

Paragraph 744. Olives in brine, green, or pitted and stuffed (except any of the foregoing not green in color).

Paragraph 745. Peaches, green, ripe, or in brine, when entered for consumption or withdrawn from warehouse for consumption during the period beginning December 1 in any year to the following May 31, inclusive.

Paragraph 748. Plums, prunes, and prunelles, green or ripe, not in brine.

Paragraph 749. Pears, green, ripe, or in brine.

Paragraph 751. Jellies, jams, marmalades, and fruit butters (except cashew apple (anacardium occidentale), guava, mamey colorado (calocarpum mammosum), mango, papaya, pineapple, sapodilla (sapota achras), soursop (annona muricata), and sweetsop (annona squamosa)).

Paragraph 752. Fruits in their natural state, not specially provided for:

Melons (except cantaloupes and watermelons), when entered for consumption or withdrawn from warehouse for consumption during the period January 1 to March 31, inclusive, or the period October 1 to December 31, inclusive, in any year.

Paragraph 752. Fruits, in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for:

Bananas; guavas, in brine, pickled, dried, desiccated, or evaporated; cashew apples (anacardium occidentale); mameys colorados (calocarpum mammosum); papayas; plantains; sapodillas (sapota achras); soursops (annona muricata); and sweetsops (annona squamosa).

Paragraph 752. Candied, crystallized, or glace apricots, figs, dates, peaches, pears, plums, prunes, prunelles, berries, and other fruits, not specially provided for.

Paragraph 753. Tulip bulbs; hyacinth bulbs; lily bulbs; narcissus bulbs; crocus corms; lily of the valley pips; all other bulbs, roots, rootstocks, clumps, corms, tubers, and herbaceous perennials, imported for horticultural purposes.

Paragraph 753. Cut flowers, fresh, dried, prepared, or preserved.

Paragraph 754. Seedlings and cuttings of Manetti, multiflora, brier, rugosa, and other rose stock, all the foregoing not more than three years old; cuttings, seedlings, and grafted or budded plants of other deciduous or evergreen ornamental trees, shrubs, or vines, and all nursery or greenhouse stock, not specially provided for.

Paragraph 755. Grafted or budded fruit trees, cuttings and seedlings of grapes, currants, gooseberries, or other fruit vines, plants or bushes.

Paragraph 756. Bitter almonds, shelled; and chestnuts (including marrons), candied, crystallized, or glace, or prepared or preserved in any manner.

Paragraph 758. Coconuts.

Paragraph 761. Edible nuts, not specially provided for:

Pignolia nuts, shelled or unshelled.

Paragraph 761. Cashew nuts, shelled or unshelled.

Paragraph 762. Oil-bearing seeds and materials:

Castor beans; sunflower seed; soy beans, certified by a responsible officer or agency of a foreign government in accordance with the official rules and regulations of that government to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed soy bean tags.

Paragraph 763. Grass seeds and other forage crop seeds:

Crimson clover; red clover; white and ladino clover; sweet clover; clover, not specially provided for; millet; orchard grass; bent-grass (genus agrostis); bluegrass (except Kentucky); grass and forage crop seeds not specially provided for (except broom grass and fescue other than meadow fescue).

Paragraph 764. Other garden and field seeds:

Canary; celery; onion.

Paragraph 765. Beans, not specially provided for (except red kidney beans), dried:

Mung beans; and other beans entered for consumption or withdrawn from warehouse for consumption during the period January 1 to April 30, inclusive, or September 1 to December 31, inclusive, in any year.

Paragraph 768. Mushrooms, dried, or otherwise prepared or preserved.

Paragraph 769. Peas (not including chickpeas or garbanzos) dried, or split.

Paragraph 772. Tomatoes, prepared or preserved in any manner:
Tomato paste and sauce.
Paragraph 775. Vegetables (including horseradish) if pickled, or packed in salt or brine (except onions packed in salt); sauces of all kinds, not specially provided for; soy beans, prepared or preserved in any manner; soups, soup rolls, soup tablets or cubes, and other soup preparations, pastes, balls, puddings, hash (except corned beef hash), and all similar forms, composed of vegetables or of vegetables and meat or fish, or both, not specially provided for; pimientos, packed in brine or in oil, or prepared or preserved in any manner.
Paragraph 776. Endive classified as crude chicory; chicory, ground or otherwise prepared; all coffee substitutes and adulterants, and coffee essences.
Paragraph 777(a). Cocoa and chocolate, unsweetened.
Paragraph 777(b) Cocoa, sweetened, in any form other than in bars or blocks weighing 10 pounds or more each, whether or not prepared, if valued at 10 cents or more per pound.
Paragraph 777(c). Cacao butter.
Paragraph 779. Hay.
Paragraph 780. Hops, lupulin.
Paragraph 781. Ginger root, not preserved or candied, ground; mustard seeds (whole); mustard, ground or prepared in bottles or otherwise; paprika, ground or unground; curry and curry powder; mixed spices, and spices and spice seeds not specially provided for, including all herbs or herb leaves in glass or other small packages, for culinary use.

Schedule 8. Spirits, Wines, and Other Beverages

Paragraph 802. Brandy and other spirits manufactured or distilled from grain or other materials:
Aquavit; brandy, in containers holding each more than one gallon; gin; and whiskey.
Paragraph 802. Cordials, liqueurs, arrack, kirschwasser, ratafia, and bitters of all kinds containing spirits.
Paragraph 803. Champagne and all other sparkling wines.
Paragraph 804. Still wines, including ginger wine or ginger cordial, vermouth, and rice wine or sake, and similar beverages not specially provided for (except the following: Vermouth in containers holding each one gallon or less; and still wines produced from grapes (other than vermouth) containing not over 14 per centum of absolute alcohol by volume, or containing over 14 per centum of absolute alcohol by volume (other than wines, in containers holding each one gallon or less, entitled under regulations of the United States Internal Revenue Service to a type designation which includes the name "Marsala" and if so designated on the approved label, and other than sherry wines)).
Paragraph 805. Fluid malt extract.
Paragraph 806(a). Grape juice, grape sirup, and other similar products of the grape, by whatever name known, containing or capable of producing alcohol.
Paragraph 808. Ginger ale, ginger beer, lemonade, soda water, and similar beverages containing no alcohol, and beverages containing less than ½ of one per centum of alcohol, not specially provided for.
Paragraph 809. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for.

Schedule 9. Cotton Manufactures

Paragraph 901(b). Cotton yarn, including warps, in any form, bleached, dyed, colored, combed, or plied.
Paragraph 902. Cotton sewing thread.
Paragraph 906. Cloth, in chief value of cotton, containing wool.
Paragraph 907. Tracing cloth, cotton window hollands, and all oilcloths (except silk oilcloths and oilcloths for floors); waterproof cloth, wholly or in chief value of cotton or other vegetable fiber, whether or not in part of India rubber.
Paragraph 909. Pile fabrics (not including pile ribbons), cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton:
Velvets, plushes and chenilles, and terry-woven fabrics.
Paragraph 909. Articles, finished or unfinished, made or cut from pile fabrics provided for in paragraph 909, Tariff Act of 1930:
Velveteen polishing cloths valued at 60 cents or more per square yard.
Paragraph 911(a). Quilts or bedspreads, wholly or in chief value of cotton, whether in the piece or otherwise, not Jacquard-figured.
Paragraph 911(b). Polishing cloths, dust cloths, and mop cloths, wholly or in chief value of cotton, not made of pile fabrics.
Paragraph 912. Labels, for garments or other articles, wholly or in chief value of cotton or other vegetable fiber.
Paragraph 913(a). Belts and belting, for machinery, wholly or in chief value of cotton or other vegetable fiber, or of cotton or other vegetable fiber and india rubber.
Paragraph 913(b). Rope used as belting for textile machinery, wholly or in chief value of cotton.
Paragraph 914. Knit fabric, in the piece, wholly or in chief value of cotton or other vegetable fiber, whether made on a warp-knitting machine or on other than a warp-knitting machine.
Paragraph 916(a). Hose and half-hose, selvedged, fashioned, seamless, or mock-seamed, finished or unfinished, wholly or in chief value of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand.
Paragraph 917. Underwear, knit or crocheted, finished or unfinished, wholly or in chief value of cotton or other vegetable fiber, and not specially provided for, valued over $4 per pound.
Paragraph 920. Lace window curtains, nets, nettings, pillow shams, and bed sets, and all other fabrics and articles, by whatever name known, plain or Jacquard-figured, finished or unfinished, wholly or partly manufactured, for any use whatsoever, made on the Nottingham lace-curtain machine, wholly or in chief value of cotton or other vegetable fiber.
Paragraph 921. Chenille rugs, wholly or in chief value of cotton.
Paragraph 921. All other floor coverings, including carpets, carpeting, mats, and rugs, wholly or in chief value of cotton:
Cut-pile (including imitation oriental rugs).
Paragraph 923. Manufactures, wholly or in chief value of cotton, not specially provided for:
Friction or insulating tape; printers' rubberized blanketing; molded cotton and rubber packing; and articles of pile construction (except terry-woven towels valued under 45 cents each).

Schedule 10. Flax, Hemp, Jute, and Manufactures of

Paragraph 1001. Flax, not hackled, or hackled, including "dressed line"; flax tow and flax noils; hemp and hemp tow; hackled hemp.
Paragraph 1002. Sliver and roving, or flax, hemp, ramie, or other vegetable fiber, not specially provided for.
Paragraph 1003. Jute yarns or rovings, single; twist, twine, and cordage, composed of two or more jute yarns or rovings twisted together, whether or not bleached, dyed, or otherwise treated.
Paragraph 1004(a). Single yarns, of flax, hemp, or ramie, or a mixture of any of them.
Paragraph 1004(b). Threads, twines, and cords, composed of two or more yarns of flax, hemp, or ramie, or a mixture of any of them, twisted together.
Paragraph 1005(a)(3). Cordage, including cables, tarred or untarred composed of three or more strands, each strand composed of two or more yarns, wholly or in chief value of hemp.
Paragraph 1006. Gill nettings, nets, webs, and seines, and other nets for fishing, wholly or in chief value of flax, hemp, or ramie, and not specially provided for.
Paragraph 1008. Woven fabrics, wholly of jute, not specially provided for.
Paragraph 1009(b). Woven fabrics, such as are commonly used for paddings or interlinings in clothing, wholly or in chief value of flax, or hemp, or of which these substances or either of them is the component material of chief value, exceeding 30 and not exceeding 120 threads per square inch, counting the warp and filling, and weighing not less than 4½ but not more than 12 ounces per square yard, or wholly or in chief value of jute, exceeding 30 threads to the square inch, counting the warp and filling, and weighing not less than 4½ ounces but not more than 12 ounces per square yard.
Paragraph 1009(c). Woven fabrics, in the piece or otherwise, wholly or in chief value of vegetable fiber, except cotton, filled, coated, or otherwise prepared for use as artists' canvas.
Paragraph 1010. Woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for (except toweling (i.e., fabrics chiefly used for making towels) of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value).
Paragraph 1011. Plain-woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax, hemp, ramie, or other vegetable fiber (except cotton and jute), weighing less than 4 ounces per square yard.
Paragraph 1012. Pile fabrics, whether or not the pile covers the entire surface, wholly or in chief value of vegetable fiber, except cotton, and all articles, finished or unfinished, made or cut from such pile fabrics.
Paragraph 1013. Table damask, wholly or in chief value of flax, and all articles, finished or unfinished, made or cut from such damask.
Paragraph 1014. Towels and napkins, finished or unfinished, wholly or in chief value of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value (except towels wholly or in chief value of flax, not exceeding 100 threads to the square inch); sheets and pillowcases, wholly or in chief value of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value.
Paragraph 1015. Fabrics, with fast edges, not exceeding 12 inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; all the foregoing, wholly or in chief value of vegetable fiber, except cotton, or of vegetable fiber, except cotton, and india rubber.
Paragraph 1016. Handkerchiefs, wholly or in chief value of vegetable fiber, except cotton, finished or unfinished.
Paragraph 1017. Clothing, and articles of wearing apparel of every description, wholly or in chief value of vegetable fiber, except cotton, and whether manufactured wholly or in part, not specially provided for.

Paragraph 1018. Bags or sacks made from plain-woven fabrics of single jute yarns or from twilled or other fabrics wholly of jute

Paragraph 1019. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard.

Paragraph 1020. Inlaid linoleum; all other linoleum, including corticine and cork carpet; mats or rugs made of linoleum.

Paragraph 1021. Common China, Japan, and India straw matting, and floor coverings made therefrom; carpets, carpeting, mats, matting, and rugs, wholly or in chief value of jute; floor coverings not specially provided for.

Paragraph 1022. Matting and articles made therefrom, wholly or in chief value of cocoa fiber or rattan; pile mats and floor coverings, wholly or in chief value of cocoa fiber.

Paragraph 1023. All manufactures, wholly or in chief value of flax, hemp, jute, or ramie, not specially provided for.

Schedule 11. Wool and Manufactures of

Paragraph 1102(b). Hair of the alpaca, llama, and vicuna.

Paragraph 1107. Yarn, wholly or in chief value of Angora rabbit hair.

Paragraph 1110. All articles, finished or unfinished, made or cut from pile fabrics wholly or in chief value of wool, whether or not the pile covers the entire surface.

Paragraph 1111. Blankets, and similar articles (including carriage and automobile robes and steamer rugs), made as units or in the piece, finished or unfinished, wholly or in chief value of wool, not exceeding 3 yards in length.

Paragraph 1114(a). Knit fabric, in the piece, wholly or in chief value of wool, valued over $1 per pound.

Paragraph 1114(b). Hose and half-hose, finished or unfinished, wholly or in chief value of wool, valued not over $1.75 per dozen pairs.

Paragraph 1114(c). Knit underwear, finished or unfinished, wholly or in chief value of wool.

Paragraph 1114(d). Outerwear and articles of all kinds, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for: Hats, bonnets, caps, berets, and similar articles, valued not over $2 per pound; infants' outerwear (including hats, bonnets, caps, berets, and similar articles, and sweaters), valued over $2 per pound; sweaters and other outerwear (except hats, bonnets, caps, berets, and similar articles) not for infants, valued over $2 but not over $5 per pound; and sweaters valued over $10 per pound.

Paragraph 1115(b). Bodies, hoods, forms, and shapes, for hats, bonnets, caps, berets, and similar articles, wholly or in chief value of wool but not knit or crocheted nor made in chief value of knit, crocheted, or woven material, if blocked or trimmed (including finished hats, bonnets, caps, berets, and similar articles), and valued over $12 per dozen.

Paragraph 1116(b). Chenille Axminster carpets, rugs, and mats, plain or figured, whether woven as separate carpets, rugs, or mats, or in rolls of any width.

Paragraph 1117(c), (d). Floor coverings, including mats and druggets, wholly or in chief value of wool, not specially provided for, and parts of any of the foregoing (except floor coverings wholly or in chief value of hair of the Angora goat; and except other floor coverings valued not over 40 cents per square foot, and parts thereof).

Paragraph 1119. Tapestries and upholstery goods (not including pile fabrics), in the piece or otherwise, wholly or in chief value of wool, weighing over 4 ounces per square yard.

Paragraph 1120. All manufactures, wholly or in chief value of wool, not specially provided for (except cloth samples not over 104 square inches in area).

Schedule 12. Silk Manufactures

Paragraph 1201. Silk partially manufactured, including total or partial degumming other than in the reeling process, from raw silk, waste silk, or cocoons, and silk noils exceeding 2 inches in length, all the foregoing, if not twisted or spun.

Paragraph 1202. Spun silk or schappe silk yarn, or yarn of silk and rayon or other synthetic textile, and roving.

Paragraph 1203. Thrown silk not more advanced than singles, tram, or organzine.

Paragraph 1204. Sewing silk, twist, floss, and silk threads or yarns of any description, made from raw silk, not specially provided for.

Paragraph 1205. Woven fabrics in the piece, wholly or in chief value of silk, not specially provided for; woven fabrics in the piece, not exceeding 30 inches in width, whether woven with fast or split edges, wholly or in chief value of silk, including umbrella silk or Gloria cloth.

Paragraph 1206 (1), (2), (3). Pile fabrics (including pile ribbons), whether or not the pile covers the entire surface, wholly or in chief value of silk, and all articles, finished or unfinished, made or cut from such pile fabrics.

Paragraph 1207. Fabrics, with fast edges, not exceeding 12 inches in width, and articles made therefrom; tubings, cords, tassels, and cords and tassels; all the foregoing wholly or in chief value of silk or of silk and india rubber, and not specially provided for (not including garters, suspenders, and braces).

Paragraph 1208. Knit fabric, in the piece, wholly or in chief value of silk; gloves, mittens, hose, half-hose, underwear, outerwear, and articles of all kinds, knit or crocheted, finished or unfinished, wholly or in chief value of silk.

Paragraph 1209. Handkerchiefs and woven mufflers, wholly or in chief value of silk, finished or unfinished.

Paragraph 1210. Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of silk, and not specially provided for.

Paragraph 1211. Manufactures, wholly or in chief value of silk, not specially provided for: Nylon monofilament fishing line.

Schedule 13. Manufactures of Rayon or Other Synthetic Textile

Paragraph 1301. Filaments of rayon or other synthetic textile, single or grouped, and yarns of rayon or other synthetic textile, singles or plied, all the foregoing not specially provided for (except any of the foregoing yarns having more than 20 turn twists per inch).

Paragraph 1302. Filaments of rayon or other synthetic textile, not exceeding 30 inches in length, other than waste, whether known as cut fiber, staple fiber, or by any other name; noils of rayon or other synthetic textile.

Paragraph 1303. Spun yarn of rayon or other synthetic textile, singles or plied.

Paragraph 1305. Rayon or other synthetic textile in bands or strips not exceeding one inch in width, suitable for the manufacture of textiles.

Paragraph 1306. Woven fabrics in the piece, wholly or in chief value of rayon or other synthetic textile, not specially provided for.

Paragraph 1307. Pile fabrics (including pile ribbons), whether or not the pile covers the entire surface, wholly or in chief value of rayon or other synthetic textile, and all articles, finished or unfinished, made or cut from such pile fabrics.

Paragraph 1308. Fabrics, with fast edges, not exceeding 12 inches in width, and articles made therefrom; tubings, garters, suspenders, braces, tassels, and cords and tassels; all the foregoing wholly or in chief value of rayon or other synthetic textile, or of rayon or other synthetic textile and india rubber, and not specially provided for (not including cords).

Paragraph 1309. Knit fabric, in the piece, wholly or in chief value of rayon or other synthetic textile; hose, half-hose, underwear, outerwear, and articles of all kinds (not including gloves or mittens), knit or crocheted, finished or unfinished, wholly or in chief value of rayon or other synthetic textile.

Paragraph 1310. Handkerchiefs and woven mufflers, wholly or in chief value of rayon or other synthetic textile, finished or unfinished.

Paragraph 1311. Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of rayon or other synthetic textile, and not specially provided for.

Paragraph 1312. Manufactures of filaments, fibers, yarns, or threads, of rayon or other synthetic textile, and textile products made of bands or strips (not exceeding one inch in width) of rayon or other synthetic textile, all the foregoing, wholly or in chief value of rayon or other synthetic textile, not specially provided for (except twine, cords, and cordage).

Schedule 14. Paper and Books

Paragraph 1402. Paper board and pulpboard, including cardboard (but not including wallboard and leather board or compressed leather), not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for (except solid fiber shoe board, counter board, and strawboard); sheathing paper, roofing paper, deadening felt, sheathing felt, roofing felt or felt roofing, whether or not saturated or coated.

Paragraph 1403. Filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton or other vegetable fiber; masks composed of paper, pulp, or papier-mache, and manufactures of papier-mache, not specially provided for; manufactures of pulp, not specially provided for.

Paragraph 1404. Papers commonly or commercially known as tissue paper, weighing not over 6 pounds to the ream and valued over 15 cents per pound, or weighing over 6 pounds and less than 10 pounds to the ream; carbon paper coated or uncoated; and all papers similar to papers commonly or commercially known as tissue paper, stereotype paper, copying paper, india or bible paper, condenser paper, coated or uncoated carbon paper, bibulous paper, pottery paper, or tissue paper for waxing (except any of the foregoing "similar" papers weighing not over 6 pounds to the ream and valued over 15 cents per pound); india and bible paper weighing 10 pounds or more and less than 20½ pounds to the ream; crepe paper, commonly or commercially so known, including paper creped or partly creped in any manner, and paper wadding, and pulp wadding, and manufactures of such wadding.

Paragraph 1405. Papers with coated surface or surfaces, not specially provided for; papers with coated surface or surfaces, embossed or printed otherwise than litho-

graphically, and papers wholly or partly covered with metal or its solutions, or with gelatin, linseed oil cement, or flock; uncoated papers, including wrapping paper, with the surface or surfaces wholly or partly decorated or covered with a design, fancy effect, pattern, or character, except designs, fancy effects, patterns, or characters produced on a paper machine without attachments, or produced by lithographic process, including such papers if embossed, or printed otherwise than lithographically, or wholly or partly covered with metal or its solutions, or with gelatin or flock; gummed papers, not specially provided for; simplex decalcomania paper not printed; cloth-lined or reinforced paper; papers with paraffin or wax-coated surface or surfaces, vegetable parchment paper, greaseproof and imitation parchment papers which have been supercalendered and rendered transparent or partially so, by whatever name known, all other grease-proof and imitation parchment paper, not specially provided for, by whatever name known; bags, printed matter other than lithographic, and all other articles, composed wholly or in chief value of any of the foregoing papers, not specially provided for, and all boxes of paper or papier-mache or wood covered or lined with any of the foregoing papers or lithographed paper; sensitized paper commonly or commercially known either as blue print or brown print, and similar sensitized paper; unsensitized basic paper, and baryta coated paper, to be sensitized for use in photography; sensitized paper, to be used in photography.

Paragraph 1406. Pictures, calendars, cards, placards, and other articles (not including bands, decalcomanias, fashion magazines, or periodicals, labels, flaps, or transparencies, and except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specially provided for, all the foregoing (except articles exceeding $^{12}/_{1000}$ and not exceeding $^{20}/_{1000}$ of one inch in thickness, if exceeding 35 square inches cutting size in dimensions and both die-cut and embossed; and except articles exceeding $^{20}/_{1000}$ of one inch in thickness); labels and flaps, not specially provided for, printed in less than 8 colors (bronze printing to be counted as 2 colors) but not printed in whole or in part in metal leaf, exceeding 10 square inches cutting size in dimensions, or not exceeding 10 square inches cutting size in dimensions and neither embossed nor die-cut; all the foregoing, if wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material; and decalcomanias in ceramic colors.

Paragraph 1407(a). Correspondence cards, writing, letter, and note paper, weighing 8 pounds or over per ream (except any of the foregoing in sheets less than 110 square inches in area and not ruled, bordered, embossed, printed, lined, or decorated in any manner, or in sheets 110 square inches or more in area and ruled, bordered, embossed, printed, lined, or decorated in any manner); drawing paper weighing 8 pounds or over per ream, and valued at 40 cents or more per pound.

Paragraph 1407(a). Handmade paper and paper commonly or commercially known as handmade or machine handmade paper, weighing 8 pounds or over per ream.

Paragraph 1407(a). Japan paper and imitation japan paper by whatever name known, ledger, bond, record, tablet, typewriter, manifold, onionskin, and imitation onionskin paper, and papers similar to any paper provided for in paragraph 1407(a), Tariff Act of 1930; all the foregoing, weighing 8 pounds or over per ream, not ruled, bordered, embossed, printed, lined, or decorated in any manner.

Paragraph 1407(a). Bristol board of the kinds made on a Fourdrinier or a multicylinder machine, weighing 8 pounds or over per ream, and valued over 15 cents per pound.

Paragraph 1407(b). Papeteries.

Paragraph 1409. Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs; hanging paper; wrapping paper not specially provided for (except strawboard and straw paper less than 0.012 inch but not less than 0.008 inch in thickness); filtering paper; paper commonly or commercially known as cover paper, plain, uncoated, and undecorated.

Paragraph 1410. Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets if of bona fide foreign authorship, and printed matter, all the foregoing not specially provided for; blank books, slate books, drawings, engravings, photographs, etchings, maps, and charts; book bindings or covers wholly or in part of leather, not specially provided for; books of paper or other material for children's use, printed lithographically or otherwise, not exceeding in weight 24 ounces each, with reading matter other than letters, numerals, or descriptive words; booklets, printed lithographically or otherwise, not specially provided for; all post cards (not including American views), plain, decorated, embossed, or printed except by lithographic process; views of any landscape, scene, building, place or locality in the United States, on cardboard or paper, not thinner than $^{8}/_{1000}$ of one inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying 35 square inches or less of surface per view, bound or unbound, or in any other form; greeting cards, valentines, tally cards, place cards, and all other social and gift cards, including folders, booklets and cutouts, or in any other form, wholly or partly manufactured.

Paragraph 1411. Photograph, autograph, scrap, post-card and postage-stamp albums, and albums for phonograph records, wholly or partly manufactured.

Paragraph 1412. Playing cards.

Paragraph 1413. Papers and paper board and pulpboard, including cardboard (but not including leatherboard or compress leather) embossed, cut, die-cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms, or cut or shaped for boxes for other articles, plain or printed, but not lithographed, and not specially provided for (except solid fiber shoe board); paper board and pulpboard, including cardboard (but not including leatherboard or compress leather), plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, or decorated or ornamented in any manner (except solid fiber shoe board, and except hardboard); test or container boards of a bursting strength above 60 pounds per square inch by the Mullen or the Webb test; wall pockets, composed wholly or in chief value of paper, papier-mache, or paper board, whether or not die cut, embossed, or printed lithographically or otherwise; boxes, composed wholly or in chief value of paper, papier-mache, or paper board, and not specially provided for; manufactures of paper or of which paper is the component material of chief value, not specially provided for; and tubes wholly or in chief value of paper, commonly used for holding yarn or thread.

Schedule 15. Sundries

Paragraph 1501(a). Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and all manufactures of any of the foregoing.

Paragraph 1501(c). Asbestos shingles and articles in part of asbestos, if containing hydraulic cement or hydraulic cement and other material, not coated, impregnated, decorated, or colored, in any manner (except pipes and tubes and fittings therefor).

Paragraph 1502. Boxing gloves, baseballs, footballs, tennis balls, and all other balls (not including golf balls), of whatever material composed, finished or unfinished, primarily designed for use in physical exercise (whether or not such exercise involves the element of sport), and all clubs, rackets, bats, golf tees, and other equipment, such as is ordinarily used in conjunction therewith (including equipment ordinarily used in conjunction with golf balls), all the foregoing, not specially provided for; ice and roller skates, and parts thereof.

Paragraph 1503. Spangles and beads, including bugles, not specially provided for; fabrics and articles not ornamented with beads, spangles, or bugles, nor embroidered, tamboured, appliqued, or scalloped, composed wholly or in chief value of beads or spangles (other than imitation pearl beads, beads in imitation of precious or semiprecious stones, and beads in chief value of synthetic resin); hollow or filled imitation pearl beads of all kinds and shapes, of whatever material composed; imitation solid pearl beads; iridescent imitation solid pearl beads; beads composed in chief value of synthetic resin; all other beads in imitation of precious or semiprecious stones, of all kinds and shapes, of whatever material composed.

Paragraph 1504(a). Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, and braids and plaits, wholly or in chief value of ramie, all the foregoing suitable for making or ornamenting hats, bonnets, or hoods (except willow sheets or squares, not bleached, dyed, colored, or stained, and not containing a substantial part of rayon or other synthetic textile).

Paragraph 1504(b). Hats, bonnets, and hoods, composed wholly or in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, ramie, or manila hemp, whether wholly or partly manufactured (except hats, bonnets, and hoods, composed wholly or in chief value of straw or ramie and hats and hoods composed wholly or in chief value of fiber of the carludovia palmata and commercially known as toquilla fiber or straw, not blocked or trimmed, and not bleached, dyed, colored, or stained; men's Yeddo hats, wholly or in chief value of unsplit straw, blocked but not trimmed, whether or not bleached, colored, dyed, or stained; and hats, bonnets, and hoods, known as harvest hats, valued at less than $3 per dozen).

Paragraph 1505. Hats, bonnets, and hoods, wholly or in chief value of any braid not provided for in paragraph 1504, Tariff Act of 1930, if such braid is composed of a substantial part of rayon or other synthetic textile, but not wholly or in chief value thereof.

Paragraph 1506. Tooth brushes and other toilet brushes, the handles or backs of which are composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930; other tooth brushes and other toilet brushes (not including toilet brushes, ornamented, mounted, or fitted with gold, silver, or

platinum, or wholly or partly plated with gold, silver, or platinum, whether or not enameled); all other brushes, not specially provided for; hair pencils in quills or otherwise.

Paragraph 1509. Vegetable ivory button blanks, not drilled, dyed, or finished; buttons of pearl or shell, finished or partly finished; pearl or shell button blanks, not turned, faced, or drilled.

Paragraph 1510. Buttons made in imitation of or similar to pearl or shell buttons; parts of buttons and button molds or blanks, finished or unfinished, not specially provided for, and all collar and cuff buttons and studs composed wholly of bone, mother-of-pearl, ivory, vegetable ivory, or agate, and buttons not specially provided for.

Paragraph 1511. Cork tile in the rough or wholly or partly finished, over ⅜ of one inch in thickness.

Paragraph 1512. Dice, dominoes, draughts, chessmen, and billiard, pool, and bagatelle balls; and poker chips, of ivory, bone, or other material.

Paragraph 1513. Dolls and doll clothing, composed in any part, however small, of and of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529(a), Tariff Act of 1930; dolls and toys, composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930; parts of dolls or toys, composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930; all other dolls, parts of dolls (including clothing), doll heads, toy marbles, toy games, toy containers, toy favors, toy souvenirs, of whatever materials composed, air rifles, toy balloons, toy books without reading matter (not counting as reading matter any printing on removable pages), other than letters, numerals, or descriptive words, bound or unbound, and parts thereof, garlands, festooning and Christmas tree decorations made wholly or in chief value of tinsel wire, lame or lahn, bullions or metal threads, and all other toys, and parts of toys, not specially provided for.

Paragraph 1514. Emery, corundum, and artificial abrasives, in grains, or ground, pulverized, refined, or manufactured; emery wheels, emery files, and manufactures of which emery, corundum, garnet or artificial abrasive is the component material of chief value, not specially provided for; all the foregoing not containing more than 1/10 of one per centum of vanadium, or more than 2/10 of one per centum of tungsten, molybdenum, boron, tantalum, columbium or niobium, or uranium, or more than 3/10 of one per centum of chromium.

Paragraph 1515. Bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for.

Paragraph 1516. Wax matches, wind matches, and all matches in books or folders or having a stained, dyed, or colored stick or stem, tapers consisting of a wick coated with an inflammable substance, night lights, fusees and time-burning chemical signals, by whatever name known.

Paragraph 1517. Percussion caps, cartridges, and cartridge shells empty; blasting caps, containing not over one gram charge of explosive; mining, blasting, or safety fuses of all kinds.

Paragraph 1518(a). Feathers and downs, on the skin or otherwise, dressed, colored, or otherwise advanced or manufactured in any manner, including quills of down and other manufactures of down; feather dusters; artificial or ornamental feathers suitable for use as millinery ornaments; artificial or ornamental fruits, vegetables, grasses, grains, leaves, flowers, stems, or parts thereof, when composed wholly or in chief value of yarns, threads, filaments, tinsel, wire, lame, bullions, metal threads, beads, bugles, spangles, or rayon or other synthetic textile, or when composed wholly or in chief value of other materials and not specially provided for; natural grasses, grains, leaves, plants, shrubs, herbs, trees, and parts thereof, not specially provided for, when bleached, colored, dyed, painted, or chemically treated; boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the feathers, flowers, leaves, or other materials mentioned in paragraph 1518(a), Tariff Act of 1930.

Paragraph 1519(a). Dressed furs and dressed fur skins (except silver or black fox, dog, hare, goat, and kid).

Paragraph 1519(b). Manufactures of fur (except silver or black fox), further advanced than dressing, prepared for use as material, whether or not joined or sewed together (but not including plates, mats, linings, strips, and crosses), if dyed.

Paragraph 1519(c). Silver or black fox furs or skins, dressed or undressed, not specially provided for (except tails, paws, heads, and other parts of furs, piece plates, and articles made of furs or parts of furs).

Paragraph 1519(e). Articles, wholly or partly manufactured (including fur collars, fur cuffs, and fur trimmings), wholly or in chief value of fur, not specially provided for.

Paragraph 1523. Human hair, raw, or cleaned or commercially known as drawn, but not manufactured; manufactures of human hair or of which human hair is the component material of chief value, not specially provided for (except nets and netting).

Paragraph 1525. Haircloth (including haircloth known as "hair seating"), wholly or in chief value of horsehair, not specially provided for; hair felt, made wholly or in chief value of animal hair, not specially provided for; manufactures of hair felt, not specially provided for; cloths and all other manufacturers of every description, wholly or in chief value of cattle hair, goat hair, or horsehair, not specially provided for.

Paragraph 1526(a). Hats, caps, bonnets, and hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued over $30 per dozen.

Paragraph 1526(b). Men's silk or opera hats, in chief value of silk.

Paragraph 1527(a). Jewelry, commonly or commercially so known, finished or unfinished (including parts thereof):

(1) Composed wholly or in chief value of gold or platinum, or of which the metal part is wholly or in chief value of gold or platinum;

(2) All other, of whatever material composed, valued over $5 per dozen pieces or parts.

Paragraph 1527(b). Rope, curb, cable, and fancy patterns of chain not exceeding ½ inch in diameter, width, or thickness, valued over 30 cents per yard, of any metal other than gold or platinum, whether or not plated with gold or platinum.

Paragraph 1527(c). Articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, cardcases, chains, cigar cases, cigar cutters, cigar holders, cigar lighters, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, watch bracelets, and like articles; all the foregoing and parts thereof, finished or unfinished (except the following articles and parts provided for in clause (2) of paragraph 1527(c), Tariff Act of 1930, valued not over $5 dozen pieces or parts: Cigar and cigarette lighters; watch bracelets; parts of cigar and cigarette lighters and of watch bracelets, valued at 20 cents or more per dozen parts; and parts for any article provided for in clause (2) of paragraph 1527(c), Tariff Act of 1930, valued under 20 cents per dozen parts).

Paragraph 1527(d). Stampings, galleries, mesh, and other materials of metal, whether or not set with glass or paste, finished or partly finished, separate or in strips or sheets, suitable for use in the manufacture of any of the articles provided for in paragraph 1527, Tariff Act of 1930.

Paragraph 1528. Pearls and parts thereof, drilled or undrilled, but not set or strung (except temporarily); diamonds weighing not over ½ carat, emeralds, rubies, sapphires, synthetic diamonds, synthetic rubies, and other synthetic precious or semiprecious stones, all the foregoing, cut but not set, and suitable for use in the manufacture of jewelry; imitation precious stones, cut or faceted, imitation semiprecious stones, faceted, marcasites and imitation marcasites; imitation precious stones, not cut or faceted, imitation semiprecious stones, not faceted, imitation jet buttons, cut, polished or faceted; imitation solid pearls and iridescent imitation solid pearls, unpierced, pierced or partially pierced, loose, or mounted, of whatever shape, color or design.

Paragraph 1529(a). Laces, lace fabrics, and lace articles, made by hand or on a lace, net, knitting, or braiding machine, and all fabrics and articles made on a lace or net machine, all the foregoing, plain or figured; lace window curtains, veils, veilings, flouncings, all-overs, neck ruffings, flutings, quillings, ruchings, tuckings, insertings, galloons, edgings, trimmings, fringes, gimps, and ornaments; braids, loom woven and ornamented in the process of weaving, or made by hand, or on a lace, knitting, or braiding machine; and fabrics and articles embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliqued, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; all the foregoing, and fabrics and articles wholly or in part hereof, finished or unfinished (except materials and articles provided for in paragraphs 915, 920, 1006, 1022, 1111, 1116(a), 1504, 1505, 1513, 1518, 1523, or 1530(e), or in Title II (free list), or in subparagraph (b) of paragraph 1529, Tariff Act of 1930), by whatever name known, and to whatever use applied, and whether or not named, described, or provided for elsewhere in the Tariff Act of 1930, when composed wholly or in chief value of filaments, yarns, threads, tinsel wire, lame, bullions, metal threads, beads, bugles, spangles, or rayon or other synthetic textile (except fabrics and articles covered by the following rate-provisions of paragraph 1529(a), Tariff Act of 1930,

as set forth in "United States Import Duties (1958)":

Subdivision No.	*Rate provision*
[2]---	Only with respect to articles wholly or in chief value of cotton.
[4]---	All.
[6]---	First; and Fourth.
[7]---	All.
[8]---	First.
[9]---	First; and Second, only with respect to articles wholly or in chief value of cotton, or rayon or other synthetic textile.
[11]--	First; and Second, only with respect to articles wholly or in chief value of cotton.
[12]--	First, only with respect to articles not wholly or in chief value of cotton; Second, only with respect to articles wholly or in chief value of cotton; Third; Fourth; and Sixth.
[13]--	First, only with respect to articles not wholly or in chief value of cotton; Second, only with respect to articles wholly or in chief value of cotton; and Third.
[14]--	First; Second, only with respect to articles wholly or in chief value of cotton; and Third.
[15]--	All.
[16]--	Only with respect to articles wholly or in chief value of cotton.
[17]--	First; and Second, only with respect to articles wholly or in chief value of cotton; and
[18]--	First; Second, only with respect to articles wholly or in chief value of cotton; and Third.
[21]--	Fifth.
[22]--	Only with respect to articles wholly or in chief value of cotton.
[23]--	All.
[27]--	Second; Fourth; Fifth; and Sixth.
[29]--	Third.).

Paragraph 1529(b). Handkerchiefs, wholly or in part of lace, and handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the open-work, not including one row of straight hemstitching adjoining the hem; all the foregoing, finished or unfinished:

Wholly or in chief value of silk and made with handmade or hand rolled hems or valued over 70 cents per dozen;

Wholly or in chief value of cotton and not containing any handmade lace and not embroidered or otherwise ornamented (as hereinbefore described) in any part by hand, if valued over 70 cents per dozen;

Wholly or in chief value of vegetable fiber other than cotton, finished and valued at 80 cents or more per dozen, or unhemmed without any finished edge and valued at 45 cents or more per dozen.

Paragraph 1529(c). Elastic fabrics of whatever material composed, knit, woven, or braided, in part of india rubber.

Paragraph 1530(a). Buffalo hides and skins (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or dried, salted, or pickled.

Paragraph 1530(b). Leather (except leather provided for in subparagraph (d) of paragraph 1530, Tariff Act of 1930), made from hides or skins of cattle of the bovine species:

(3) Leather to be used in the manufacture of harness or saddlery;

(4) Side upper leather (including grains and splits), patent leather, and leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear (except the following: grains not made from calf or kip skins; wax splits; upper leather made from calf or kip skins, not cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or other footwear; lining leather made from calf or kip skins; and side upper splits not made from calf or kip skins, rough or wax, and genuine patent leather, not cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or other footwear; and patent leather cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or other footwear);

(5) Upholstery, glove and garment leather, in the rough, in the white, crust, or russet, partly finished, or finished; collar, bag, case, and strap rawhide, not tanned;

(6) Leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls; and

(7) All other, rough, partly finished, finished, or curried, not specially provided for.

Paragraph 1530(c). Leather (except leather provided for in subparagraph (d) of paragraph 1530, Tariff Act of 1930), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished; vegetable-tanned rough leather made from goat or sheep skin, including those commercially known as India-tanned goat or sheep skins (except the following:

Glove and garment leather made from skins other than goat, kid, lamb, sheep, pig, or reptile skins; rough-tanned walrus leather; goat, kid, pig, and shark leather imported to be used in the manufacture of boots, shoes, or footwear; and all leather cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear).

Paragraph 1530(d). Leather of all kinds (except calf and kid leather), grained, printed, embossed, ornamented, or decorated in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, and any of the foregoing cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied.

Paragraph 1530(e). Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for (except the following: Footwear having molded soles laced to uppers for persons other than men, youths, or boys; huaraches; footwear made by the process or method known as welt; moccasins of the Indian handicraft type, having no line of demarcation between the soles and the uppers; slippers for housewear; turn or turned boots and shoes; and turn or turned footwear, other than boots and shoes, for men, youths, or boys).

Paragraph 1530(e). Boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials (except footwear with soles wholly or in chief value of india rubber or substitutes for rubber).

Paragraph 1530(f). Harness valued over $70 per set, single harness valued over $40, saddles valued over $40 each, saddlery, and parts (except metal parts) for any of the foregoing; saddles made wholly or in part of pigskin or imitation pigskin; saddles and harness, not specially provided for, parts thereof, except metal parts, and leather shoe laces, finished or unfinished.

Paragraph 1531. Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of leather or parchment, and manufactures of leather, rawhide, or parchment, or of which leather, rawhide, or parchment is the component material of chief value, not specially provided for; any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets; all the foregoing (except the following: Leads, leashes, collars, muzzles, and similar dog equipment, straps and strops, and wearing apparel, all the foregoing wholly or in chief value of reptile leather; and belts and buckles designed to be worn on the person, not wholly or in chief value of reptile leather).

Paragraph 1533. Catgut, whip gut, oriental gut, and manufactures thereof, and manufactures of worm gut, not specially provided for.

Paragraph 1534. Gas, kerosene, or alcohol mantles, and mantles not specially provided for, treated with chemicals or metallic oxides, wholly or partly manufactured.

Paragraph 1535. Artificial flies, snelled hooks, leaders or casts, finished or unfinished; fishing rods, finished or unfinished, not specially provided for; fishing reels and parts thereof, finished or unfinished, not specially provided for (except fishing reels valued under $2.50 each); fish hooks, artificial baits, and all other fishing tackle and parts thereof, fly books, fly boxes, fishing baskets or creels, finished or unfinished, not specially provided for, except fishing lines, fishing nets, and seines.

Paragraph 1536. Candles; manufactures of wax or of which wax is the component material of chief value, not specially provided for.

Paragraph 1537(a). Manufactures of bone, chip, grass, sea grass, horn, quills, raffia, straw, or whalebone, or of which these substances or any of them is the component material of chief value, not specially provided for; manufactures of chip roping.

Paragraph 1537(b). Manufactures of india rubber or gutta-percha, or of which these substances or either of them is the component material of chief value, not specially provided for (except bougies, catheters, drains, sondes, and other urological instruments, and footwear wholly or in chief value of india rubber); automobile

and motor cycle tires composed wholly or in chief value of rubber; manufactures composed wholly or in chief value of india rubber known as "hard rubber", not specially provided for, finished or unfinished (except syringes).

Paragraph 1537(c). Combs of whatever material composed, except combs wholly of metal, not specially provided for.

Paragraph 1538. Manufactures of mother-of-pearl or shell, or of which these substances or either of them is the component material of chief value, not specially provided for; and shells and pieces of shells engraved, cut, ornamented, or otherwise manufactured.

Paragraph 1539(b). Laminated products (whether or not provided for elsewhere in the Tariff Act of 1930) of which any synthetic resin or resin-like substance is the chief binding agent; manufactures wholly or in chief value of any of the foregoing, or of any other product of which any synthetic resin or resin-like substance is the chief binding agent.

Paragraph 1540. Moss and sea grass, eelgrass, and seaweeds, if manufactured or dyed (except as provided in paragraph 1722, Tariff Act of 1930).

Paragraph 1541(a), Musical instruments and parts thereof, not specially provided for:

Bows for stringed instruments, and parts of such bows; brass-winds with cup mouthpieces, and parts thereof; sets of tuned bells of the types known as chimes or peals, and parts thereof; stringed instruments and parts thereof; harmonicas and parts thereof; music boxes and parts thereof; organs (not including pipe organs) and parts thereof; piano-accordions and all concertinas and other accordions, and parts thereof; pianos (including harpsichords and clavichords) and parts thereof (not including pianoforte or player-piano actions and parts thereof); and wood-winds and parts thereof.

Paragraph 1541(a). Pianoforte or player-piano actions and parts thereof, pitch pipes, tuning forks, tuning hammers, and metronomes; pipe organs or pipe-organ player actions and parts thereof; cases for musical instruments; chin rests for violins; bridges for fretted stringed instruments, not specially provided for; strings for musical instruments, composed wholly or in part of catgut, other gut, oriental gut, or metal; tuning pins.

Paragraph 1541(b). Violins, violas, violoncellos, and double basses, of all sizes, wholly or partly manufactured or assembled, made after the year 1800, and unassembled parts.

Paragraph 1541(c). Carillons, and parts thereof.

Paragraph 1542. Phonographs, gramophones, graphophones, and similar articles, and parts thereof, not specially provided for; needles for phonographs, gramophones, graphophones, and similar articles.

Paragraph 1543. Calendar rolls or bowls made wholly or in chief value of cotton, paper, husk, wool, or mixtures thereof, or stone of any nature, compressed between and held together by iron or steel heads or washers fastened to iron or steel mandrels or cores, suitable for use in calendering, embossing, mangling, or pressing operations.

Paragraph 1544. Rosaries, chaplets, and similar articles of religious devotion, of whatever material composed.

Paragraph 1546. Violin rosin.

Paragraph 1547(a). Works of art, including (1) paintings in oil or water colors, pastels, pen and ink drawings, and copies, replicas, or reproductions of any of the same, and (2) statuary, sculptures, or copies, replicas, or reproductions thereof, valued at not less than $2.50, all the foregoing, not specially provided for.

Paragraph 1547(b). Paintings in oil, mineral, water, or other colors, pastels, and drawings and sketches in pen and ink, pencil, or water color, any of the foregoing (whether or not works of art) suitable as designs for use in the manufacture of textiles, floor coverings, wall paper, or wall coverings.

Paragraph 1549(a). Pencils of paper, wood, or other material not metal, filled with lead or other material, pencils of lead, crayons (including chalk crayons and charcoal crayons or fusains), not specially provided for; pencils stamped with names other than the manufacturers' or the manufacturers' trade name or trade-mark; slate pencils, not in wood.

Paragraph 1549(b). Black leads for pencils, not in wood or other material, and black leads exceeding 1/100 of one inch in diameter; lead, commonly known as refills, black, colored, or indelible, not exceeding 1/100 of one inch in diameter; colored or crayon leads, copy or indelible leads, not specially provided for.

Paragraph 1550(a). Penholder tips, penholders and parts thereof, combination penholders comprising penholders, pencil, rubber eraser, automatic stamp, or other attachments.

Paragraph 1550(b). Fountain pens, fountain-pen holders, stylographic pens, and parts thereof.

Paragraph 1550(c). Mechanical pencils.

Paragraph 1551. Photographic cameras and parts thereof, not specially provided for (except cameras, other than fixed-focus and motion-picture cameras, valued at $10 or more each, of which the lens is not the component of chief value, except motion-picture cameras of which the lens is not the component of chief value, valued under $50 each, and except parts for motion-picture cameras of which parts the lens is not the component of chief value); photographic films, sensitized but not exposed or developed, of every kind except motion-picture films having a width of one inch or more; motion-picture films, sensitized but not exposed or developed; photographic-film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, exposed and developed; photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotography, or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made.

Paragraph 1552. Tobacco pipe bowls, wholly or in chief value of brier or other wood or root, in whatever condition of manufacture, whether bored or unbored, and tobacco pipes having such bowls (except the following: Wholly finished pipes having bowls wholly or in chief value of wood or root other than brier, valued not over $5 per dozen; partly finished pipes having bowls of brier or other wood or root, valued not over $5 per dozen; and pipe bowls wholly or in chief value of brier or other wood or root, valued not over $5 per dozen); pipes, cigar and cigarette holders, not specially provided for, and mouthpieces for pipes, or for cigar and cigarette holders, all the foregoing of whatever material composed, and in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored; pouches for chewing or smoking tobacco, cases suitable for pipes, cigar and cigarette holders, finished or partly finished; cigarette books, cigarette-book covers, cigarette paper in all forms, except cork paper; and all smokers' articles whatsoever, and parts thereof, finished or unfinished, not specially provided for, of whatever material composed, except china, porcelain, parian, bisque, earthenware, or stoneware.

Paragraph 1553. All thermostatic bottles, carafes, jars, jugs, and other thermostatic containers, or blanks and pistons of such articles, of whatever material composed, constructed with a vacuous or partially vacuous insulation space to maintain the temperature of the contents, whether imported finished or unfinished, with or without a jacket or casing of metal or other material, and parts of any of the foregoing.

Paragraph 1554. Walking canes, finished or unfinished; handles and sticks for umbrellas, parasols, sunshades, and walking canes (including those wholly or in chief value of synthetic resin).

Paragraph 1557. Stamping and embossing materials of pigments, mounted on paper or equivalent backing and releasable from the backing by means of heat and pressure.

Paragraph 1558. Articles manufactured, in whole or in part, not specially provided for:

Capers in brine or otherwise preserved; dog food unfit for human consumption; incense; fatty acids derived from vegetable, animal, or fish oils, or from animal fats or greases (except fatty acids derived from linseed oil); marine glue pitch; mud-dispersants derived from coniferous bark; planting pots in chief value of peat moss; preparations for flavoring or seasoning food, in chief value of yeast extract and containing no alcohol (not including sauces or yeast); synthetic rubber and synthetic rubber articles; and textile grasses or fibrous vegetable substances (except istle or Tampico fiber).

TARIFF ACT OF 1930, TITLE II—FREE LIST

Paragraph 1627. Bones, crude or steamed.

Paragraph 1656. Coir yarn.

Paragraph 1663. Cryolite, or kryolith.

Paragraph 1669. Fish oils and fish-liver oils (except halibut-liver oil, dogfish and other shark oils, and dogfish-liver and other shark-liver oils); psyllium seeds; sandalwood; and senna seeds; all the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol.

Paragraph 1670. Quebracho wood and myrobalans fruit, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for.

Paragraph 1681. Furs and fur skins, not specially provided for, undressed (except the following: Beaver, caracul, coney, rabbit, ermine, fox, goat, kid, kolinsky, marmot, marten, mink, muskrat, ocelot, opossum, otter, Persian lamb, pony, raccoon, sable, skunk, squirrel, and weasel, and except separate tails, paws, heads, and other parts of fur or fur skins, and piece plates).

Paragraph 1684. Grasses and fibers: Sunn, not dressed or manufactured in any manner, and not specially provided for.

Paragraph 1688. Horse mane and tail hair, and cattle tail hair, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for.

Paragraph 1722. Seaweeds not further manufactured than ground, powdered, or granulated.

Paragraph 1727. Hempseed and sesame seed.

Paragraph 1732. Oils, expressed or extracted: Olive and rapeseed, rendered unfit for use as food or for any but mechanical or manufacturing purposes.

Paragraph 1765. Skins of all kinds, raw, and hides not specially provided for: Carpincho, and wild pig or hog.
Paragraph 1780. Tankage, unfit for human consumption.
Paragraph 1803(1). Sawed mahogany lumber and timber, not further manufactured than planed, and tongued and grooved, not specially provided for.
Paragraph 1821. Mica films and splittings, not cut or stamped to dimensions.

[F.R. Doc. 60-4799; Filed, May 27, 1960; 12:00 m.]

TARIFF COMMISSION

[3-9]

ARTICLES LISTED FOR CONSIDERATION IN PROPOSED TRADE AGREEMENT NEGOTIATIONS

Notice of Investigation and Hearings

1. The final date for filing requests to testify at the Tariff Commission public hearings is June 27, 1960.

2. The final date for filing written statements with the Tariff Commission is June 27, 1960.

3. Tariff Commission public hearings will begin on July 11, 1960.

4. Public announcements relating to the proposed trade agreement negotiations have also been issued by the Interdepartmental Committee on Trade Agreements[1] and the Committee for Reciprocity information.[2]

Concurrently with the announcement of the Interdepartmental Committee on Trade Agreements concerning proposed trade agreement negotiations, the President furnished the United States Tariff Commission a list of articles imported into the United States (hereinafter referred to as the "President's list") to be considered in the proposed negotiations, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in section 3 of the Trade Agreements Extension Act of 1951, as amended. The President's list is annexed to the announcement of the Interdepartmental Committee on Trade Agreements published in the FEDERAL REGISTER concurrently with this notice. A copy of the President's list will be furnished by the Commission to interested parties upon request.

A. *Investigation instituted.* Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, the United States Tariff Commission instituted an investigation with respect to the articles included in the President's list.

B. *Purpose of investigation.* The purpose of the investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of Section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

C. *Written statements and public hearings.* Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning the articles in the President's list in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. *Written statements in lieu of appearance at hearings.* Interested parties may present their information and views through the submission of written statements in lieu of appearances at the public hearings. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and, except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted, only one of which need be sworn to. Such statements should be submitted as early as possible, but not later than June 27, 1960.

2. *Scope of written statements and oral testimony.* Written statements and oral testimony must relate to articles included in the President's list, and must be confined to matters relevant to the purpose of the investigation as stated in B, above. At the beginning of any written statement that is read at the hearings, or any oral testimony given at the hearings, the article and tariff paragraph number to which the testimony relates should be specifically identified.

3. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, each clearly marked "Submitted in confidence."

4. *Appearance at public hearings.* The following information and instructions should be carefully studied by all persons interested in appearing at the public hearings in this investigation.

a. Requests to appear at the public hearings must be filed in writing with the Secretary of the Commission on or before June 27, 1960. Such requests must contain the following information:

(1) The tariff paragraph number and a description of the article or articles on which testimony will be presented.

(2) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the customs treatment of the articles affected.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE: The Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 30 minutes. Because of the limited time available, parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses may, of course, supplement their oral testimony with written statements of any desired length.

b. The Secretary of the Commission should be promptly notified of any changes in the request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the articles listed endeavor, wherever possible, to arrange for a consolidated presentation of their views.

5. *Date and conduct of hearings.* a. The public hearings in this investigation will commence at 10:00 o'clock a.m. on Monday, the 11th day of July, 1960, in the Tariff Commission Building, Eighth and E Streets NW., Washingon, D.C. The hearings will be held each day from 10:00 a.m. to about 1:00 p.m.

b. Parties who have properly entered their appearance by June 27, 1960, as indicated under paragraph C, 4, above, will be individually notified of the date on which they are scheduled to appear. Such notifications will be sent as soon as possible after the closing date for requests to appear (June 27, 1960), but not later than July 5, 1960. Any party who fails to receive such notification by July 8, 1960, should immediately communicate with the Office of the Secretary of the Tariff Commission.

c. Questioning of witnesses will be limited to members of the Commission.

6. *Related hearings before the Committee for Reciprocity Information.* Published in the FEDERAL REGISTER concurently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's list, and on other matters, to begin on July 11, 1960. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commis-

[1] See F.R. Doc. 60-4799, *supra.*
[2] See F.R. Doc. 60-4798, *supra.*

sion to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information, although permissible, will not be necessary.

Likewise, oral or written statements presented to the Committee for Reciprocity Information will be made available to, and carefully considered by, the Tariff Commission, and need not be separately presented to the latter agency.

D. *Communications to be addressed to Secretary.* All communications regarding the Tariff Commission investigation, including requests for appearance at the Tariff Commission hearings, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D.C.

Issued: May 27, 1960.

By direction of the United States Tariff Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 60-4800; Filed, May 27, 1960; 12:00 m.]

FEDERAL POWER COMMISSION

[Docket No. E-6939]

DUQUESNE LIGHT CO.

Order To Show Cause

MAY 23, 1960.

The 1958 Annual Report (FPC Form No. 1) of Duquesne Light Company (Company), a Pennsylvania corporation with its principal place of business at Pittsburgh, Pennsylvania, indicates that Company is currently accounting and reporting certain credits arising from accounting procedures for deferred taxes on income in a manner contrary to the requirements of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licenses.

Company is a public utility within the meaning of that term under the Federal Power Act.

Company's Annual Report to the Commission for 1958 shows a credit of $4,469,529 in Account 266—Accumulated Deferred Taxes on Income, as of December 31, 1958. Of this total amount $2,536,441 is reported as representing Company's accumulated annual provision to December 31, 1958 for federal income taxes deferred pursuant to section 167 of the Internal Revenue Code of 1954; $1,479,015 for federal income taxes deferred pursuant to section 168 of the Internal Revenue Code of 1954;[1] and $454,073 for state income taxes deferred.[2] Company's annual charges to income for the federal income taxes thus deferred have been charged to Account 507A—Provision for Deferred Taxes on Income. These two accounts constitute the balance sheet and income accounts, respectively, prescribed by this Commission's Order No. 204 (19 FPC 837) as the appropriate accounting classification for federal and state income taxes deferred by reason of accelerated amortization and liberalized depreciation practices under sections 168 and 167, respectively, of the Internal Revenue Code of 1954, and appropriate state authorization.

Notwithstanding these applicable accounting classifications, Company's 1958 Annual Report to stockholders shows that Company is currently, reporting the accumulated annual provision for deferred taxes on income which the Commission has required to be set forth in Account 266, through two other balance sheet accounts, captioned "Earned Surplus" and "Restricted earned surplus for deferred Federal and State income taxes resulting from amortization under Necessity Certificate."[3] Company's annual report to stockholders is required to be appended as a part of Company's FPC Form No. 1, Annual Report to the Commission.[4]

Correspondence between Company representatives and this Commission's staff has failed to show any justification for Company's departure from the requirements of this Commission's Uniform System of Accounts. Moreover, Company representatives have indicated that Company proposes to continue the afore mentioned accounting practices.

In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act (particularly Sections 301(a), 304, and 309 thereof), that Company show cause, if there be any, for its past and continuing departure from the requirements of this Commission's Uniform System of Accounts; all in the manner hereinafter provided.

The Commission orders: Company shall show cause, if there be any, under oath and in writing within 60 days from the issuance of this order, why the Commission should not find and determine:

(1) That Company is reporting the financial data set forth in Account 266 (i.e., accumulated deferred taxes on income), otherwise than as prescribed by the Commission's Uniform System of Accounts, all as indicated above, and therefore that it has and continues to violate the accounting and reporting requirements prescribed by the Commission through its Uniform System of Accounts;

(2) That this action by Company constitutes a willful and knowing violation of the Federal Power Act;

(3) That the Company be required to make, keep, preserve, and report its accounts in the manner prescribed by this Commission in the Uniform System of Accounts Prescribed for Public Utilities and Licensees; and

(4) That the Company be ordered to file such substitute pages of its Annual Report for 1958 (FPC Form No. 1) to make the reporting of its accumulated deferred taxes on income therein consistent, and in compliance with the requirements for such report as prescribed by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4807; Filed, May 27, 1960; 8:45 a.m.]

[1] Formerly section 124A of the Federal Internal Revenue Act of 1950.

[2] Note A to Account 266 as set forth in Order No. 204 states: "The text of subaccounts below are designed primarily to cover deferrals of federal income taxes pursuant to provisions of the Internal Revenue Code of 1954 but the subaccounts are also applicable to deferrals of state taxes on income."

[3] The latter account is not prescribed as part of this Commission's Uniform System of Accounts for Public Utilities and Licensees. Order No. 204 (19 FPC 837) finds that surplus, even though restricted, is not an appropriate account for the classification of deferred taxes on income.

[4] A prospectus dated February 24, 1960, filed with the Securities and Exchange Commission reflects the same practice.

LANDS WITHDRAWN IN PROJECT NO. 955

Vacation of Withdrawal Under Section 24 of the Federal Water Power Act

MAY 24, 1960.

The Forest Service, United States Department of Agriculture, has requested the revocation of the withdrawal of lands under section 24 of the Federal Water Power Act pursuant to the filing on May 2, 1929 of an application for license for minor Project No. 955.

The Commission's May 16, 1929 withdrawal notification letter gave notice of the reservation of approximately 8 acres of lands of the United States in and about Diamond Lake and Lake Creek, consisting of portions of the lands in lots 3, 4 and 5 of sec. 30, in lots 1, 2 and 3 of sec. 31, and in the W½NW¼ of sec. 32, T. 27 S., R. 6 E., Willamette meridian, Oregon, as delimited upon a map filed in support thereof.

By Commission withdrawal notification letter dated February 6, 1930, the then General Land Office was requested to treat the May 16, 1929 notification as canceled and superseded and in lieu thereof notice was given of the reservation of approximatly 14 acres of lands of the United States described as follows:

UMPQUA NATIONAL FOREST
WILLAMETTE MERIDIAN, OREGON

All lands of the United States situated approximately in the following legal subdivisions and which are included within the power project boundaries as shown on the map designated "Exhibit F" and entitled "Map accompanying application of the Diamond Lake Improvement Company for permit to the use of the waters of Lake Creek, a tributary of the Umpqua River in the Umpqua Forest Reserve, in Douglas County, Oregon, for Power Development," and filed in the office of the Federal Power Commission on May 2, 1929:

T. 27 S., R. 6 E.,
Sec. 30, Lots 3, 4, 5;
Sec. 31, Lots 1, 2, 3;
Sec. 32, W½NW¼.

License No. 3 for the project—the third of three licenses issued for a period of ten years—expired May 26, 1959. The project, which was located on Lake Creek, an outlet of Diamond Lake, in Douglas County, Oregon, had an installed horsepower capacity of 40 horsepower and the energy generated thereby was used at the licensee's lake resort.

The Forest Service has informed the Commission that the resort is now served by commercial power and that arrangements have been made for removal of the project works and for the restoration of the site to the satisfaction of the Service.

The power value of the lands in the area is adequately protected by inclusion of the lands in Power Site Classification No. 162, dated January 30, 1927.

The Commission finds: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for license for minor Project No. 955 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for license for minor Project No. 955 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4833; Filed, May 27, 1960; 8:48 a.m.]

[Docket No. G-18533, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications, Consolidation of Proceedings and Date of Hearing

MAY 25, 1960.

Phillips Petroleum Company, Docket No. G-18533; Tidewater Oil Company, Docket No. G-18792; The Atlantic Refining Company, Docket No. G-18853.

Take notice that on May 13, 1959, Phillips Petroleum Company (Phillips), in Docket No. G-18533, on June 11, 1959, Tidewater Oil Company (Tidewater) in Docket No. G-18792, and on June 24, 1959, The Atlantic Refining Company (Atlantic) in Docket No. G-18853, filed applications pursuant to section 7(b) of the Natural Gas Act, seeking authorization to abandon natural gas service to United Gas Pipe Line Company (United) from their respective interest in the Duplechain Gas Unit No. 7, located in the Lewisburg Field, Acadia Parish, Louisiana, in order to sell the gas produced from said unit to Texas Gas Transmission Company (Texas Gas), all as more fully set forth in the applications on file with the Commission and open for public inspection.

The above sales to United are currently being made under a gas sales contract, dated September 26, 1949, as amended, on file as Phillips', Operator, et al. FPC Gas Rate Schedule No. 216, Tidewater's FPC Gas Rate Schedule No. 33, and Atlantic's FPC Gas Rate Schedule No. 58. Applicants state that the contract with United terminated by its own terms on September 14, 1959.

The proposed sale to Texas Gas from the subject acreage will be covered by gas sales contracts, dated November 20, 1950, October 10, 1950, and October 18, 1950, currently on file as Phillips' FPC Gas Rate Schedule No. 202, Tidewater's FPC Gas Rate Schedule No. 37, and Atlantic's FPC Gas Rate Schedule No. 57, respectively.

Each Applicant has given notice of termination to United.

Concurrently with their subject applications, Applicants filed notice of cancellation of their respective rate schedules.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 27, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4834; Filed, May 27, 1960; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

MARCH 31, 1960.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases during quarter[1]		Cumulative purchases through end of quarter[1]	
				Quantity	Amount	Quantity	Amount
Public Law 206, 83d Congress							
Asbestos	10- 1-57	Short tons, crude No. 1 and/or crude No. 2 asbestos	1,500	0	0	1,499	$1,762,505
		Short tons, crude No. 3		0	0	850	340,070
Beryl	6-30-62	Short dry tons, beryl ore	4,500	58	$32,679	2,545	1,412,271
Columbium tantalum	12-31-58	Pounds, contained combined pentoxide	15,000,000	0	0	15,567,912	60,637,262
Manganese:							
Butte-Phillipsburg	6-30-58	Long ton units, recoverable manganese	6,000,000	0	0	6,020,471	9,074,869
Deming	6-30-58	do	6,000,000	0	0	6,215,258	12,036,388
Wenden	6-30-58	do	6,000,000	0	0	6,108,316	10,743,179
Domestic small producers	1- 1-61	Long ton units, contained manganese	28,000,000	0	(698)	28,069,901	71,398,922
Mica	6-30-62	Short tons, hand-cobbed mica or equivalent	25,000	591	600,381	20,070	20,181,390
Tungsten	7- 1-58	Short ton units, tungsten trioxide	3,000,000	0	0	2,996,280	189,212,786
Public Law 520, 79th Congress							
Chrome	6-30-59	Long dry tons, chrome ore and/or chrome concentrates	200,000	0	0	199,961	18,588,036
Defense Production Act							
Mercury:							
Domestic	12-31-57	Flasks, prime virgin mercury	125,000	0	0	9,428	2,121,300
Do	12-31-58	do	30,000	0	0	17,463	3,938,879
Mexican	12-31-57	do	75,000	0	0	766	172,317
Do	12-31-58	do	20,000	0	0	2,508	570,797

[1] Quantities represent deliveries.

FRANKLIN FLOETE,
Administrator.

Dated: May 23, 1960.

[F.R. Doc. 60-4824; Filed, May 27, 1960; 8:47 a.m.]

Office of the Administrator

PALM OIL HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 37,609,878 pounds of palm oil now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said palm oil. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that palm oil is obsolescent for use in time of war.

General Services Administration proposes to offer said palm oil for sale, on a competitive basis, once every six months. The quantity to be offered for sale at each such time will be a minimum of 4,000,000 pounds and a maximum of 6,000,000 pounds. Quantities of said palm oil will also be available for transfer to meet the requirements, if any, of Federal agencies.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Prior to the beginning of disposal pursuant to this plan, it is contemplated that palm oil will be disposed of in accordance with statutory authority for sale, without replacement, of excess perishable stockpile materials to avoid deterioration. The quantity of palm oil covered by this notice shall be reduced by the quantity so sold.

Dated: May 24, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-4835; Filed, May 27; 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-599]

ASSOCIATED DRY GOODS CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MAY 24, 1960.

In the matter of Associated Dry Goods Corporation common stock; File No. 1-599.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Volume on the applicant exchange is nominal. The issuer requests and consents to the delisting. The stock remains listed on the New York Stock Exchange.

Upon receipt of a request, on or before June 10, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-4816; Filed, May 27, 1960; 8:47 a.m.]

[File No. 812-1302]

COMPOSITE FUND, INC., ET AL.

Notice of Filing of Application for Exemption

MAY 20, 1960.

In the matter of Composite Fund, Inc., Composite Bond and Stock Fund, Inc., Composite Research & Management Co.; File No. 812-1302.

Notice is hereby given that Composite Fund, Inc. and Composite Bond and Stock Fund, Inc. ("the Funds"), each a registered open-end diversified management investment company, and Composite Research & Management Co. ("Research"), a corporation providing investment advisory services to the Funds pursuant to written contracts, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting a letter agreement which constitutes an investment advisory contract dated April 20, 1960, between the Funds and Research from the provisions of section 15(a) of the Act to the extent that such contract requires approval by a vote of a majority of the outstanding voting securities of the Funds. Applicants also request an exemption from section 15(a) of the Act for all actions of Research which may have been taken as investment adviser to the Funds since March 23, 1960.

The application states, among other things, that Research has provided investment advisory services to Composite Fund, Inc. and Composite Bond and Stock Fund, Inc. since August 25, 1949, and March 31, 1944, respectively, pursuant to written contracts which provided for their automatic termination in the event of their assignment. An assignment is defined in section 2(a)(4) of the Act as including any direct or indirect transfer by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Research has issued and outstanding 500 shares of capital stock of which 150 shares were owned by Robert M. Williams and his wife as community property prior to his demise on March 23, 1960, and 200 shares were owned by Marguerite A. Williams as her separate property prior to her demise on March 26, 1960. The transfer of the total number of shares to the estates of Robert M. and Marguerite A. Williams constitute a transfer of a controlling interest in Research and an assignment of the investment advisory contracts with the funds.

The application states that Research proposes to continue to furnish investment advisory services to the Funds until the shares of Research previously owned by decedents are disposed of by their estates and new contracts are approved by the shareholders of the Funds. The letter agreement dated April 20, 1960 between Research and the Funds provides for such continued advisory services until the estates dispose of the shares, but in no event later than the next annual meeting of Composite Fund, Inc. on January 10, 1961 and such meeting of Composite Bond and Stock Fund, Inc. on February 7, 1961. At these meetings each company proposes to submit to its stockholders a new investment advisory contract.

Section 15(a) of the Act provides, among other things, that no person shall serve as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the outstanding voting securities of such registered company and which provides for its automatic termination in the event of its assignment by the investment adviser. The Commission may exempt transactions from the requirements of the Act pursuant to section 6(c) thereof to the extent that such exemption is necessary or appropriate to the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 10, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing

contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-4817; Filed, May 27, 1960; 8:47 a.m.]

WEST INDIES SUGAR CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

MAY 24, 1960.

In the matter of West Indies Sugar Corporation common stock; File No. 1-3172.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Stockholders of the Company have adopted a Plan of Complete Liquidation and an initial liquidating distribution has been made.

Upon receipt of a request, on or before June 10, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-4818; Filed, May 27, 1960; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CONFIRMATION OF ACTIONS

Effective May 24, 1960, all regulations, rules, orders, policies, determinations, directives, authorizations, permits, privileges, requirements, designations, and other actions which were issued or taken by or under the authority of the Commissioner or the Acting Commissioner of the Public Housing Administration and which were in effect on the said date, are hereby continued in full force and effect until modified, superseded, or repealed.

Approved: May 24, 1960.

[SEAL] BRUCE SAVAGE, *Commissioner.*

[F.R. Doc. 60-4808; Filed, May 27, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 5]

NORFOLK SOUTHERN RAILWAY CO.

Applications for Loan Guaranties

MAY 24, 1960.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 21121 filed May 18, 1960, by Norfolk Southern Railway Company, 200 Terminal Building, Norfolk 10, Virginia, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $2,000,000. Applicant's representative: Arthur J. Winder, Vice President and General Counsel, Norfolk Southern Railway Company, 200 Terminal Building, Norfolk 10, Virginia. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-4820; Filed, May 27, 1960; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36265: *Substituted service—C&O for The Akron-Chicago Transportation Company, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 39), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., or Detroit, Mich., on the one hand, and Buffalo, N.Y., or Cincinnati, Ohio, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Central States Motor Freight Bureau, Inc., tariff MF-I.C.C. 953.

FSA No. 36267: *Substituted service—Wabash Railroad for Be-Mac Transport Company, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 41), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Decatur or East St. Louis, Ill., one the one hand, and Buffalo, N.Y., Detroit, Mich., or East St. Louis, Ill., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Central States Motor Freight Bureau, Inc., tariff MF-I.C.C. 953.

FSA No. 36268: *Substituted service—T&NORR for Herrin Transportation Company.* Filed by J. D. Hughett, Agent (No. 26), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between New Orleans (Avondale), and Shreveport, La., on the one hand, and Beaumont and Houston, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Southwestern Motor Freight Bureau tariff MF-I.C.C. 285.

FSA No. 36269: *Screened gravel—Attica, Ind., to Ivesdale and Sadorus, Ill.* Filed by Illinois Freight Association, Agent (No. 99), for the Wabash Railroad Company. Rates on screened gravel, in carloads, from Attica, Ind., to Ivesdale and Sadorus, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 82 to Wabash Railroad Company's tariff I.C.C. 7844.

FSA No. 36270: *Substituted service—IC for Hayes Freight Lines, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 14), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

FSA No. 36271: *Substituted service—IC for T.I.M.E. Incorporated, et al.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 15), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between East St. Louis, Ill., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36266: *Passenger fares—The New York, New Haven, and Hartford*

Railroad Company. Filed by The New York, New Haven and Hartford Railroad Company (No. 4), for itself and interested rail carriers. Relating to transportation of passengers between points in Massachusetts on the line of The New York, New Haven and Hartford Railroad Company and points on the lines of connecting carriers.

Grounds for relief: Establishment of new local fares and the maintenance of present fares of connecting lines.

Tariffs: The New York, New Haven and Hartford Railroad Company's tariff I.C.C. A–9583, and Agent W. H. Clifford's tariffs I.C.C. 1049 and 1064.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–4821; Filed, May 27, 1960; 8:47 a.m.]

[Notice 320]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 25, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62722. By order of May 24, 1960, The Transfer Board approved the transfer to Louis Grover, Idaho Falls, Idaho, of Certificate No. MC 117515 issued September 10, 1958, to Austin F. Whitmer, Bountiful, Utah, authorizing the transportation of lumber, from points in Oregon to points in Wyoming and Arizona. Kenneth G. Bell, 203 McCarty Building, Boise, Idaho, for applicants.

No. MC–FC 63144. By order of May 24, 1960, The Transfer Board approved the transfer to Grant Bishop, Hammond, Wis., of Certificate No. MC 82085, issued April 20, 1955, to Wilfred C. Hook, doing business as Hook's Transfer, New Richmond, Wis., authorizing the transportation of: Livestock and agricultural commodities, from points in the Towns of Stanton, Star Prairie, and Richmond, in St. Croix County, and those in Alden, in Polk County, Wis., to St. Paul, South St. Paul, Minneapolis, and Newport, Minn.; feed, hardware and farm machinery, from St. Paul, South St. Paul, Minneapolis, and Newport, Minn., to points in the above Wisconsin towns; livestock, from points in St. Croix County, Wis., as excepted, to South St. Paul, Minn.; petroleum products in containers, animal and poultry feed and fertilizer, in bags or other containers, seed, rubber tires, farm machinery, and hardware, from St. Paul, South St. Paul, Minneapolis, and Newport, Minn., to points in the Town of Forest, in St. Croix County, Wis.; canned vegetables, from New Richmond, Wis., to points in Minnesota within 160 miles of New Richmond, Wis.; and fresh vegetables, from points in Minnesota within 160 miles of New Richmond, Wis., to New Richmond, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC–FC 63185. By order of May 24, 1960, The Transfer Board approved the transfer to Jensen Transport, Inc., Albert Lea, Minn., of Certificate in No. MC 102150 Sub 5, issued August 29, 1952, to Thomas C. Jensen, doing business as Jensen's Transport, Albert Lea, Minn., authorizing the transportation of: Petroleum products, in bulk, in tank trucks, over irregular routes, from Clear Lake and Rock Rapids, Iowa, to points in Minnesota; and damaged, defective, returned, or rejected shipments of the above-specified commodities, over irregular routes, from the above specified destination points to Clear Lake and Rock Rapids, Iowa. Kenneth F. Dudley, P.O. Box 557, Ottumwa, Iowa, for applicants.

No. MC–FC 63190. By order of May 24, 1960, The Transfer Board approved the transfer to Petroleum Tank Lines, Inc., Great Barrington, Mass., of Certificates in Nos. MC 66341 and MC 66341 Sub 2, issued June 16, 1941 and July 20, 1948, respectively, to Albert W. Culverwell, Dalton, Mass., authorizing the transportation of: Evergreens from points in Massachusetts to points in Connecticut, New York, and New Jersey; paper containers from Watertown, N.Y., and Jersey City, N.J., to points in Massachusetts; bricks from points in Connecticut to points in Massachusetts, roofing materials from Jersey City, N.J., to points in Massachusetts; sheet metal from Menands, N.Y., to points in Massachusetts; asphalt, from Tremley, N.J., to points in Massachusetts; salts, acids, alkalies and chemicals from Pittsfield, Mass., to points in Connecticut and New York; lime and limestone products from Canaan, Conn., and points in Mass., to points in New York, New Jersey, Massachusetts, and Connecticut; machinery between Canaan, Conn., and points in New York and Massachusetts and fresh and frozen fish and shell-fish from Boston and Gloucester, Mass., to Albany, N.Y., and points within 15 miles thereof and containers for the immediate above-described commodities from the above-described points to Gloucester and Boston, Mass. Arthur M. Marshall, 145 State Street, Springfield 3, Mass., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–4822; Filed, May 27, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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